THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 96

Washington, Saturday, May 15, 1948

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Regulation 145]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.391 *Orange Regulation 145*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F. R. 7383), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 17, 1948, and ending at 12:01 a. m., e. s. t., May 31, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bright, U. S. No. 1 Golden, U. S. No. 1 Bronze, or U. S. No. 1 Russet unless such oranges are of a size not larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ii) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(iv) Any oranges, except Temple oranges, grown in the State of Florida which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box: *Provided,* That, such maximum size restriction shall not be applicable to shipments of oranges meeting the requirements of subdivision (i) of this subparagraph.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bright," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. Combination Russet," "U. S. No. 2 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for citrus fruits, as amended (12 F. R. 6277).

Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 138 (13 F. R. 793). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of May 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-4471; Filed, May 14, 1948; 9:26 a. m.]

[Lemon Regulation 273, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Or-

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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der No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Order, as amended. The provisions in paragraph (b) (1) of § 953.380 (Lemon Regulation 273, 13 F. R. 2473), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 9, 1948, and ending at 12:01 a. m., P. s. t., May 16, 1948, is hereby fixed as follows:

(i) District 1: 550 carloads.

(ii) District 2: unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of May 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-4474; Filed, May 14, 1948; 9:27 a. m.]

[Lemon Regulation 274]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.381 *Lemon Regulation 274*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp. 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 16, 1948, and ending at 12:01 a. m., P. s. t., May 23, 1948, is hereby fixed as follows:

(i) District 1: 550 carloads.

(ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 273 (13 F. R. 2473) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of May 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-4472; Filed, May 14, 1948; 9:27 a. m.]

[Grapefruit Regulation 56]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.317 *Grapefruit Regulation 56*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become ef-

fective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 16, 1948, and ending at 12:01 a. m., P. s. t., June 6, 1948, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade: *Provided,* That the tolerances for grade defects permitted for such U. S. No. 2 grade shall not include serious damage due to dryness or mushy condition; however, an additional 10 percent, by count, of the grapefruit in any lot may fail to meet the requirements of such U. S. No. 2 grade relating to freedom from serious damage caused by dryness or mushy condition; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{6}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit grown, as aforesaid, which are of a size smaller than 3$^{3}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{10}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order; and the terms "U. S. No. 2," "serious damage," and "dryness or mushy condition" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of May 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-4475; Filed May 14, 1948; 9:27 a. m.]

[Orange Regulation 230]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.376 *Orange Regulation 230*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 16, 1948, and ending at 12:01 a. m., P. s. t., May 23, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 600 carloads; (*b*) Prorate District No. 2, 600 carloads; (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* Prorate Districts Nos. 1, 2 and 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of May 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. May 16, 1948, to 12:01 a. m. May 23, 1948]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.5609
A. F. G. Porterville	2.3692
Ivanhoe Coop. Association	.5114
Dofflemyer, W. Tood	.5236
Elderwood Citrus Association	1.0489
Exeter Citrus Association	1.3076
Exeter Orange Growers Association	.3748
Hillside Packing Association, The	3.5106
Ivanhoe Mutual Orange Association	1.1366
Klink Citrus Association	4.2152
Lemon Cove Association	1.6851
Lindsay Citrus Growers Association	3.3816
Lindsay Coop. Citrus Association	2.2946
Lindsay District Orange Co	1.2777
Lindsay Fruit Association	2.5230
Lindsay Orange Growers Association	.8725
Orange Cove Citrus Association	2.4993
Orange Cove Orange Growers Association	1.5073
Orange Packing Co	2.0488
Orosi Foothill Citrus Association	1.2293
Paloma Citrus Fruit Association	.7102
Rocky Hill Citrus Association	2.7270
Sanger Citrus Association	2.1243
Sequoia Citrus Association	.8344
Stark Packing Corp	4.3650
Visalia Citrus Association	1.7036
Waddell & Sons	2.4152
Orland Orange Growers Association, Inc	.0489
Baird-Neece Corp	2.3049
Grand View Heights Citrus Association	4.6952
Magnolia Citrus Association	2.4150
Richgrove-Jasmine Citrus Association	1.1989
Sandilands Fruit Co	1.2921
Strathmore Coop. Association	3.0822
Strathmore District Orange Association	2.0364
Strathmore Fruit Growers Association	1.9264
Strathmore Packing House Co	1.1216
Sunflower Packing Association	2.4719
Sunland Packing House Co	3.7118
Tule River Citrus Association	1.1411
Vandalia Packing Association	.0538
Exeter Groves Packing Co	.1637
Kroells Brothers, Ltd	1.5434
Lindsay Mutual Groves	1.9650
Martin Ranch	1.1886
Woodlake Packing House	1.2834
Anderson Packing Co., R. M	.5085
Baker Brothers	1.0717
California Citrus Groves, Inc., Ltd	2.6785
Chess Co., Meyer W	.1447
Furr, N. C	.2756
Harding & Leggett	2.3842
Lo Bue Brothers	.5115
Marks, W. & M	.2397
Randolph Marketing Co	1.2825
Reimers, Don H	.2390
Rooke Packing Co., B. G	1.1860
Webb Packing Co., Inc	.3088
Wollenman Packing Co	1.8411
Woodlake Heights Packing Corp	1.6146
Zaninovich Brothers	.3116

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.0589
A. F. G. Corona	.2124
A. F. G. Fullerton	.7805
A. F. G. Orange	.5844
A. F. G. Riverside	.1264
A. F. G. San Juan Capistrano	.8760
A. F. G. Santa Paula	.5263

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Hazeltine Packing Co	0.3779
Placentia Pioneer Valley Growers Association	.6788
Signal Fruit Association	.1509
Azusa Citrus Association	.3807
Azusa Orange Co., Inc	.1293
Damerel-Allison Co	.8625
Glendora Mutual Orange Association	.3646
Irwindale Citrus Association	.3038
Puente Mutual Citrus Association	.1841
Valencia Heights Orchard Association	.4226
Covina Citrus Association	1.1656
Covina Orange Growers Association	.4921
Duarte-Monrovia Fruit Exchange	.2006
Glendora Citrus Association	.3930
Glendora Hts. O. & L. Association	.0603
Gold Buckle Association	.5998
La Verne Orange Association	.6867
Anaheim Citrus Fruit Association	1.2484
Anaheim Valencia Orange Association	1.0487
Eadington Fruit Co., Inc	2.5738
Fullerton Mutual Orange Association	1.3837
La Habra Citrus Association	1.0866
Orange County Valencia Association	.8864
Orangethorpe Citrus Association	.9084
Placentia Coop. Orange Association	.7654
Yorba Linda Citrus Association, The	.5993
Alta Loma Heights Citrus Association	.1046
Citrus Fruit Growers	.1569
Cucamonga Citrus Association	.1579
Etiwanda Citrus Fruit Association	.0413
Mountain View Fruit Association	.0160
Old Baldy Citrus Association	.1346
Rialto Heights Orange Association	.0649
Upland Citrus Association	.3890
Upland Heights Orange Growers	.1626
Consolidated Orange Growers	1.7884
Frances Citrus Association	1.1777
Garden Grove Citrus Association	1.4243
Goldenwest Citrus Association, The	1.5314
Irvine Valencia Growers	2.6637
Olive Heights Citrus Association	1.8312
Santa Ana-tustin Mut. Citrus Association	1.0690
Santiago Orange Growers Association	4.0453
Tustin Hills Citrus Association	1.9798
Villa Park Orchards Association, The	1.6240
Bradford Brothers, Inc	.6700
Placentia Mutual Orange Association	1.8482
Placentia Orange Growers Association	2.3787
Call Ranch	.0780
Corona Citrus Association	.5652
Jameson Co	.0591
Orange Heights Orange Association	.3749
Crafton Orange Growers Association	.4224
E. Highlands Citrus Association	.0932
Fontana Citrus Association	.1223
Highland Fruit Growers Association	.0494
Redlands Heights Groves	.2885
Redlands Orangedale Association	.3277
Break & Son, Allen	.0547
Bryn Mawr Fruit Growers Association	.2407
Krinard Packing Co	.3544
Mission Citrus Association	.1490
Redlands Coop. Fruit Association	.3607
Redlands Orange Growers Association	.2661
Redlands Select Groves	.2809
Rialto Citrus Association	0.1739
Rialto Orange Co	.1481
Southern Citrus Association	.1642
United Citrus Groves	.1555
Zilen Citrus Co	.0995
Arlington Heights Citrus Co	.0939
Brown Estate, L. V. W	.1581
Gavilan Citrus Association	.1757
Hemet Mutual Groves	.1009
Highgrove Fruit Association	.0826
McDermont Fruit Co	.2002
Monte Vista Citrus Association	.2092
National Orange Co	.0433
Riverside Heights Orange Growers Association	.0818
Sierra Vista Packing Association	.0689
Victoria Avenue Citrus Association	.2293
Claremont Citrus Association	.2009
College Heights Orange and Lemon Association	.2384
El Camino Citrus Association	.0972
Indian Hill Citrus Association	.1880
Pomona Fruit Growers Exchange	.4659
Walnut Fruit Growers Association	.5240
West Ontario Citrus Association	.4103
El Cajon Valley Citrus Association	.2763
Escondido Orange Association	2.6891
San Dimas Orange Growers Association	.4796
Andrews Brothers of California	.6142
Ball & Tweedy Association	.6299
Canoga Citrus Association	.9863
N. Whittier Heights Citrus Association	.9274
San Fernando Fruit Growers Association	.6373
San Fernando Heights Orange Assotion	1.0261
Sierra Madre-Lamanda Citrus Association	.4169
Camarillo Citrus Association	1.3276
Fillmore Citrus Association	3.5575
Mupu Citrus Association	2.9356
Ojai Orange Association	.9888
Piru Citrus Association	1.9658
Santa Paula Orange Association	1.1160
Tapo Citrus Association	1.2246
Limoneira Co	.5820
East Whittier Citrus Association	.3938
El Ranchito Citrus Association	1.0520
Murphy Ranch Co	.4571
Rivera Citrus Association	.4268
Whittier Citrus Association	.6322
Whittier Select Citrus Association	.3599
Anaheim Coop. Orange Association	1.2605
Bryn Mawr Mutual Orange Association	.1273
Chula Vista Mutual Lemon Association	.1215
Escondido Coop. Citrus Association	.3434
Euclid Avenue Orange Association	.4622
Foothill Citrus Union, Inc	.0340
Fullerton Coop. Orange Association	.4454
Garden Grove Orange Coop., Inc	.6904
Glendora Coop. Citrus Association	.0522
Golden Orange Groves, Inc	.2430
Highland Mutual Groves	.0354
Index Mutual Association	.2142
La Verne Coop. Citrus Association	1.2132
Mentone Heights Association	.0776
Olive Hillside Groves	.5164
Orange Coop. Citrus Association	1.0653
Redlands Foothill Groves	.6011
Redlands Mutual Orange Association	.1678
Riverside Citrus Association	.0646
Ventura County Orange and Lemon Association	.9204
Whittier Mutual Orange and Lemon Association	.1340
Babijuice Corp. of California	.4980
Banks Fruit Co	.2835
Banks, L. M	.5099
Borden Fruit Co	.8723
California Associated Growers	.0504
California Fruit Distributors	0.3503
Cherokee Citrus Co., Inc	.1635
Chess Co., Meyer W	.2747
Escondido Avocado Growers	.0250
Evans Brothers Packing Co	.2587
Gold Banner Association	.2965
Granada Hills Packing Co	.0303
Granada Packing House	1.7513
Hill, Fred A	.0782
Inland Fruit Dealers	.1088
Orange Belt Fruit Distributors	1.8853
Panno Fruit Co., Carlo	.0867
Paramount Citrus Association, Inc	.5314
Placentia Orchard Co	.4956
San Antonio Orchard Co	.4351
Snyder & Sons Co., W. A	.6800
Stephens, T. F	.1637
Wall, E. T	.1344
Webb Packing Co	.2518
Yorba Orange Growers Association	.5181

[F. R. Doc. 48-4473; Filed, May 14, 1948; 9:27 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

ALIENS COMING TO UNITED STATES AS VISITORS

CROSS REFERENCE: For supersedure of the provisions, insofar as they relate to visitors, of §§ 110.27, 110.28, 110.29, see § 119.7 (b) of this chapter, *infra*.

PART 119—VISITORS

ALIENS COMING TO UNITED STATES AS VISITORS

FEBRUARY 26, 1948.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of January 21, 1948 (13 F. R. 296), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup. 1003) and which stated in full the terms of proposed rules (8 CFR Parts 110, 119, and 165) relating to aliens coming to the United States as visitors. The rules are hereby adopted as stated below.

Title 8, Chapter I, Code of Federal Regulations, is amended by adding the following part:

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

119.1 Definitions.
119.2 Time for which admitted.
119.3 Conditions of admission.
119.4 Extension of stay; period of time; conditions.
119.5 Arrest and deportation of visitors.
119.6 Visitors admitted prior to effective date of this part.
119.7 Effect of other regulations.

SUBPART B—PROCEDURAL AND OTHER NON-SUBSTANTIVE PROVISIONS

119.11 Authority to admit.
119.12 Extension of stay; procedure.
119.13 Printed instructions for visitors.
119.14 Investigation.

AUTHORITY: §§ 119.1 to 119.14, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1. §§ 119.1 to 119.14, inclusive, interpret and apply sec. 3 (2), 43 Stat. 154, secs. 14, 15, 43 Stat. 162, sec. 23, 43 Stat. 165, sec. 35, 54 Stat. 675; 8 U. S. C. 203, 214, 215, 221, 456.

CROSS REFERENCES: For consular procedure with respect to visitors, see 22 CFR Part 61, particularly §§ 61.134–61.139 and 61.156–61.171.

For head tax on visitors, see Part 105 of this chapter.

For manifests, see Part 107 of this chapter.

For recording of arrivals, departures, and registrations, see Part 108 of this chapter.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 119.1 *Definitions.* (a) As used in this part, the term "visitor" means an alien admitted to the United States temporarily as a tourist or temporarily for business or pleasure under the provisions of section 3 (2) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203) and under the provisions of this part.

(b) As used in this part, the term "district director" includes officers and employees who are under the supervision of the district director and whom he may direct to assist him in performing his duties and exercising his authority under this part.

§ 119.2 *Time for which admitted.* The time for which a visitor may be admitted to the United States shall be whatever period is appropriate to accomplish the purpose of his temporary stay in the United States: *Provided:*

(a) That the period shall not in any case exceed six months; and

(b) That the period shall not exceed three months in the case of any visitor who will be sojourning in the United States in more than one immigration district as such districts are defined in § 60.1 of this chapter; and

(c) That the period shall not extend beyond the date 60 days prior to the end of the period during which the visitor will be eligible for readmission to the country whence he came or for admission to some other foreign country; and

(d) That the period shall be deemed not to exceed the time during which the visitor continues to fulfill all of the conditions of admission prescribed in § 119.3.

§ 119.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a visitor shall be that he:

(a) Establishes that he is coming to the United States for a lawful purpose.

(b) Agrees that while in the United States he will not pursue any employment not specifically authorized by immigration officials.

(c) Agrees to leave the United States within the period of his admission or any authorized extension thereof and establishes that he has the ability to leave.

(d) Establishes that he is not subject to exclusion from the United States under any of the applicable provisions of the immigration laws or regulations.

(e) Presents whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as visitors, such document or documents to include, where required, evidence of compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), relating to registration and fingerprinting. Where a passport is required, it must be valid for at least 60 days longer than the period of admission, as prescribed in § 176.500 of this chapter.

(f) Furnishes bond on Form I–337 in a sum of not less than $500 to insure that he will depart from the United States at the expiration of his specific period of authorized stay or upon failure to comply with the conditions under which admitted, whichever occurs first, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board.

(g) Agrees that if he does not depart from the United States within three months after admission he will report his address to the Commissioner and will make similar reports at the expiration of each following three months' period for as long as he remains in the United States, such reports to be made by filling out and mailing post card Form AR–11, which is obtainable without cost at United States immigration offices and post offices. In the cases of children, such reports shall be made by parents or guardians in accordance with the applicable provisions of Title III of the Alien Registration Act, 1940.

§ 119.4 *Extension of stay; period of time; conditions.* After an alien is admitted to the United States as a visitor, he may upon proper showing be granted an extension or extensions of the period of his admission, subject to all of the following conditions:

(a) All extensions shall be subject to the same time limitations as are placed on original admissions by § 119.2; and

(b) The alien shall establish that he has fulfilled, and agree that he will continue to fulfill, all applicable conditions of admission prescribed by § 119.3; and

(c) If the original admission was for 29 days or less, an extension of stay shall be granted only in emergent or other extraordinary cases; and

(d) In any case where the granting of the extension would authorize the visitor to remain in the United States for a period not exceeding one year after arrival, the district director having jurisdiction may in his discretion require, as a condition precedent to the granting of the extension, the visitor to furnish bond or to continue to furnish bond or to furnish bond in greater sum, on the form and containing the conditions stated in § 119.3 (f); and

(e) No extension which would authorize the visitor to remain in the United States for a period exceeding one year after arrival shall be granted unless there has been furnished, or is furnished, a bond in a sum of not less than $500, such bond to be on the form and to contain the conditions stated in § 119.3 (f), unless the Commissioner has specifically authorized in advance the granting of such extensions without bond or with bond in less sum.

CROSS REFERENCE: For procedure for extensions of stay, including authority to make decisions on applications therefor, see § 119.12.

§ 119.5 *Arrest and deportation of visitors.* (a) An alien admitted as a visitor shall be deemed to have remained in the United States for a longer time than permitted under law and regulations within the meaning of section 14 of the Immigration Act of 1924 if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States.

(b) An alien admitted as a visitor shall be subject to being taken into custody and made the subject of further proceedings under Part 150, Arrest and Deportation, of this chapter if:

(1) He remains in the United States for a longer time than permitted, as defined in paragraph (a) of this section; or

(2) He is found to have been at the time of his entry as a visitor not entitled under the Immigration Act of 1924 to enter the United States as a visitor.

(c) Notwithstanding the provisions of paragraph (b) of this section, any alien who is subject to being taken into custody under that paragraph but who is about to depart from the United States may, in the discretion of the district director having jurisdiction, be permitted to proceed from the United States.

§ 119.6 *Visitors admitted prior to effective date of this part.* The provisions of this part pertaining to extensions of stay shall be applied in the cases of aliens who are in the United States in the status of visitors at the time this part becomes effective.

§ 119.7 *Effect of other regulations.* (a) Any provisions of other parts of this chapter pertaining to special classes of visitors shall not be deemed to be superseded by the provisions of this part.

(b) The provisions of this part shall supersede the provisions, insofar as they relate to visitors, of §§ 110.27, 110.28, and 110.29 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 119.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a visitor, he may admit him as such. If the examining immigrant inspector is satisfied that an alien would be admissible as a visitor provided a bond was furnished in accordance with the provisions of § 119.3 (f), the examining immigrant inspector may refer the case to the officer in charge of the port. If the officer in charge concludes that the alien would be admissible provided such bond was furnished, the officer in charge may admit the alien as a visitor upon the

furnishing of such bond. If the examining immigrant inspector—or the officer in charge, in the possible bond cases referred to him—is not satisfied that the alien applying for admission to the United States as a visitor is admissible, he shall hold the alien for examination, and for decision in the case, by a board of special inquiry. The bond prescribed in § 119.3 (f) may be exacted by the board of special inquiry as a condition of admission.

§ 119.12 *Extension of stay; procedure.* (a) A visitor may apply for an extension of the period of his temporary admission. Such application shall be submitted on Form I–539 approximately 30 days before the expiration of the period of admission or previously authorized extension thereof, to the district director of the district in which the visitor is staying at the time the application is submitted. All available data specified in Form I–539 shall be furnished by the applicant. In particular, the applicant shall state the address or addresses at which he expects to be, pending his receipt of notification of the decision on the application. The application shall be accompanied by the applicant's passport and by any visitor's permit (Form 257a or I–94) issued to him, and, if a departure bond is outstanding in his case, by the consent of the obligors on the bond agreeing to the proposed extension of stay.

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final, (1) except that the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision; and (2) except that, if the applicant has gone to another district and further information from him is needed, the district director may send the application to the other district for final action. The district director shall submit a report to the Commissioner of the grant of any extension of stay which authorizes a visitor to remain in the United States for a period of more than two years after arrival, such report to recite the facts in the case and the reasons supporting the decision made. In all cases, the district director shall send to the visitor written notice of the decision, accompanied by any passport and Form 257a or I–94 submitted with the application. That shall be done even though the visitor has, after submitting the application, moved to another district. If the decision is favorable and if a Form 257a or I–94 was submitted with the application, such notice may be given by placing a signed endorsement on the Form 257a or I–94. Such endorsement shall include the date through which the stay is extended. If the application is denied, the district director making that decision shall take appropriate action with a view to enforcing the alien's departure or removal from the United States and the notice to the alien of the denial shall include advice as to such intended action.

(c) As soon as a district director notifies a visitor of the decision on an application for extension of stay, the district director shall notify the officer in charge at the port where the visitor was admitted of the terms of the decision.

(d) If the period of admission of a visitor or any authorized extension of that period expires and the officer in charge at the port of entry has not received a notice under paragraph (c) of this section or under § 119.14 (b) or has not ascertained and cannot ascertain that the visitor has departed from the United States, such officer shall report the facts to the district director of the district in which the alien is believed to be staying or shall take any other action necessary to insure that the visitor either departs or is removed from the United States.

§ 119.13 *Printed instructions for visitors.* To the extent practicable, visitors shall at the time of their admission be given printed instructions showing the conditions of their admission and how they are expected to comply with immigration requirements while in the United States and at the time of their departure.

§ 119.14 *Investigation.* (a) When it becomes necessary, the district director of the district in which the following classes of visitors are staying shall investigate their cases to ascertain whether they are complying with the conditions of their admission:

(1) Any visitor admitted for over three and up to six months—such period being allowable under § 119.2 only where the visitor is staying in one immigration district. The investigation required by this subparagraph shall be made in those cases where, and to the extent, deemed necessary by the district director of the district in which the visitor is staying.

(2) Any case or class of cases where the Commissioner directs that investigation be conducted.

(3) Any unusual case where the officer in charge at the port of entry requests that investigation be made.

(b) Any action which is taken in a district other than the one where the admission occurred and which has for its purpose the effecting of the departure or the removal of the alien from the United States shall be promptly reported to the officer in charge of the port where the alien was admitted.

PART 165—FORMAL PETITIONS AND APPLICATIONS

1. Sections 165.12, 165.13, and 165.14, Chapter I, Title 8, Code of Federal Regulations, are revoked.

2. Section 165.13a is amended by deleting the reference to visitors and to revoked provisions so that such section will read as follows:

§ 165.13a *Final authority of district directors to deny applications for extension of stay filed by aliens admitted in transit for 29 days or less.* District directors shall have final authority to deny applications for extension of stay filed by aliens admitted to the United States for a period of 29 days or less under section 3 (3) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203). Extensions of stay shall be granted to such aliens only in emergent or other extraordinary cases. (Sec. 15, 43 Stat. 162; 8 U. S. C. 215)

The rules stated above shall become effective on June 1, 1948, or on the thirty-first day following the date of their publication in the FEDERAL REGISTER, whichever falls later.

These rules are based on a determination that it will be advantageous to the Government and to persons concerned to define fully the conditions under which alien visitors may enter, and remain temporarily in, the United States. The statutes on which these rules are based are cited therein. The general purpose of these rules is to make available to interested persons a comprehensive statement of the requirements for the temporary admission to the United States of alien visitors.

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: April 29, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48–4388; Filed, May 14, 1948; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 35–1]

PART 35—FLIGHT ENGINEER CERTIFICATES

MODIFICATION OF KNOWLEDGE AND SKILL REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of May 1948.

Part 35 of the Civil Air Regulations requires that applicants for flight engineer certificates pass knowledge and skill tests in aircraft having 4 engines and certificated in the transport category.

Present requirements prohibit applicants from taking the prescribed tests in aircraft having more than 4 engines or in certain aircraft which, although having 4 engines and containing a flight engineer station, are not certificated in the transport category. This appears unduly restrictive since the aircraft referred to are satisfactory in every respect for accomplishing the prescribed tests. Therefore, this amendment is designed to permit such aircraft to be used for this purpose.

Certain aircraft now used in air carrier operations are designed with a flight engineer station and require the employment of a flight engineer in their operation. Current regulations do not permit these aircraft to be used to accomplish the knowledge and skill tests since they are not certificated under the transport category and do not have 4 engines. It appears unduly restrictive to require an airman who is to serve on this type of aircraft to pass the more exhaustive and comprehensive tests on the larger type aircraft. This amendment establishes requirements for a limited certificate permitting an airman to serve on such aircraft.

For the reasons stated above notice and public procedure hereon are impracticable, and the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR, Part 35) effective May 10, 1948:

1. By amending § 35.06 to read as follows:

§ 35.06 *Knowledge.* Applicant shall pass a written examination on the following subjects pertaining to aircraft having 4 or more engines and certificated in the transport category or to aircraft having 4 or more engines and incorporating a flight engineer station:

(a) Responsibilities and limitations of a flight engineer as specified in the Civil Air Regulations;

(b) Theory of flight and elementary aerodynamics;

(c) Aircraft performance and aircraft engine operation with respect to limitations;

(d) Mathematical computations of engine operation and fuel consumption, including basic meteorology with respect to engine operations;

(e) Aircraft loading and center of gravity computations;

(f) Basic aircraft maintenance and operating procedures.

2. By amending § 35.07 to read as follows:

§ 35.07 *Skill.* Applicant shall pass a practical test in the duties of a flight engineer during flight on an aircraft having 4 or more engines and certificated in the transport category or on an aircraft having 4 or more engines and incorporating a flight engineer station; and shall demonstrate competency with respect to:

(a) Normal duties and procedures relating to aircraft, aircraft engines, propellers, and appliances;

(b) Recognition of the malfunctioning of aircraft, aircraft engines, propellers, and appliances, and the taking of appropriate action thereon;

(c) Emergency duties and procedures relating to aircraft, aircraft engines, propellers, and appliances.

3. By adding a new § 35.08 to read as follows:

§ 35.08 *Limited certificate.* (a) An applicant may be certificated as a flight engineer for an aircraft having less than 4 engines: *Provided,* That (1) the design of the aircraft incorporates a flight engineer station satisfactory to the Administrator, (2) the applicant meets the requirements of §§ 35.00 through 35.05, and (3) the applicant passes written and practical examinations respecting such aircraft on the subjects listed in §§ 35.06 and 35.07.

(b) A certificate issued under the provisions of this section shall contain an appropriate limitation which may be removed at such time as the holder of the certificate passes the written and practical tests prescribed in §§ 35.06 and 35.07.

(Secs. 205 (a), 601, 602, 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-4402; Filed, May 14, 1948; 8:54 a. m.]

[Regs., Serial No. ER-124]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

REPORTING REQUIREMENTS FOR IRREGULAR AIR CARRIERS AND NONCERTIFICATED CARGO CARRIERS

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 7th day of May 1948.

The purpose of this amendment is to specify reporting and record-keeping requirements for irregular air carriers and noncertificated cargo carriers. Small irregular carriers (defined in an amendment to § 292.1 adopted this date) are required to file "Statistical Reports" while "Large Irregular Carriers" (defined in an amendment to § 292.1 adopted this date) and noncertificated cargo carriers are required to file both "Statistical Reports" and "Flight Reports". These requirements are designed to secure information which will enable the Board to evaluate the service rendered by these carriers, and thus aid in the administration of the act, and to secure information necessary in the enforcement of the operational limitations established in the regulations authorizing this air transportation.

The Board finds in accordance with the interest of the public that with respect to certain data as to specific flights required under paragraphs (c) (3) and (c) (4) of § 202.1, good cause exists for withholding such information from public disclosure since public revelation of this matter might unfairly result in competitive disadvantage and thus adversely affect the interests of the reporting carriers.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and full consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 202.1 (c) of the Economic Regulations (14 CFR 202.1 (c)) to read as follows, effective June 15, 1948:

§ 202.1 *Reports of financial and operating statistics.* * * *

(c) *Irregular air carriers*[1] *and noncertificated cargo carriers.*[2] Statistical reports shall be filed with the Board by each small irregular carrier[3] in accordance with subparagraph (1) of this paragraph, and by each large irregular carrier[4] and noncertificated cargo carrier in accordance with subparagraph (2) of this paragraph. Flight reports shall be filed with the Board by each large irregular carrier in accordance with subparagraph (3) of this paragraph, and by each noncertificated cargo carrier in accordance with subparagraph (4) of this paragraph. Each small irregular carrier, large irregular carrier, and noncertificated cargo carrier shall keep all accounts, records, and memoranda (including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this paragraph. Such accounts, records, and memoranda as relate to statistical reports shall be preserved for three years and such as relate to flight reports shall be preserved for one year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by a responsible officer of the reporting carrier:

(1) *Statistical reports by small irregular carriers.* For the calendar year 1947 and thereafter for each succeeding calendar year, each small irregular carrier shall file a "Statistical Report". Such report, for the year 1947, shall be filed not later than July 15, 1948; and thereafter, such report shall be filed within 45 days after termination of the reporting period. The statistical report shall contain the following data:

(i) *Balance sheet or statement of investment.* (At end of reporting period.)

(ii) *Profit and loss statement.* (Insofar as practicable, distinguish items attributable to transportation operations from items attributable to other operations; e. g., plane rentals, flying schools, airport services, etc.)

(iii) *Airplanes utilized.* Tabulation showing aircraft registration number, type, cost, date of acquisition, and the amount of accrued depreciation for each airplane owned as of the end of the reporting period.

(iv) *Personnel.* For the payroll period ending nearest the middle of the last month of the reporting period, specify the number of personnel engaged in transportation operations, the number engaged in other operations, and the total.

(v) *Transportation of passengers or cargo*—(a) Revenue aircraft hours and miles.

(b) Number of revenue passengers and tons of revenue cargo.

(c) Revenue passenger miles and revenue ton miles of cargo.

(2) *Statistical reports by large irregular carriers and noncertificated cargo carriers.* For the calendar year 1947, and thereafter for the calendar quarter ending March 31, 1948, and for each succeeding calendar quarter, each large irregular carrier and each noncertificated cargo carrier shall file a "Statistical Report". Such reports, for the year 1947, and for the first quarter of 1948 shall be filed not later than July 15, 1948; and thereafter, such report shall be filed within 45 days after termination of the reporting period. Such report shall contain the following data:

(i) *Balance sheet.* (As of end of reporting period.)

(ii) *Profit and loss statement.* (Insofar as practicable, distinguish items attributable to transportation operations

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[1] As defined in § 292.1 (b) of the Economic Regulations.

[2] As defined in § 292.5 (b) of the Economic Regulations.

[3] Section 292.1 (b) (1) of the Economic Regulations provides, as to the aircraft units utilized in the transportation services of an irregular air carrier; that, if "the allowable gross take-off weight exceeds 10,000 pounds for any one unit or 25,000 pounds for the total of such units (disregarding units of 6,000 pounds or less), such carrier shall be classified as a 'Large Irregular Carrier', otherwise, such carrier shall be classified as a 'Small Irregular Carrier.' "

[4] See footnote No. 3.

from items attributable to other operations.)

(iii) *Airplanes utilized.* Tabulations showing type, aircraft registration number, and date acquired, for each airplane owned or rented as of the end of the reporting period, and indicating whether or not such airplane is utilized in transportation operations. For each airplane owned, such tabulation shall specify the cost thereof and the amount of accrued depreciation. For each airplane rented, such tabulation shall specify the amount of the rental. If data for a particular quarter are the same as those submitted for the previous quarter, a statement to that effect will suffice.

(iv) *Personnel.* For the payroll period ending nearest the middle of the last month of the reporting period, set forth data as follows:

(*a*) The number of flight personnel engaged in transportation and the number in other activities (such as flight training).

(*b*) The number of ground personnel engaged in transportation and the number in other activities.

(*c*) The total number of personnel.

(v) *Transportation.* For the following data, distinguish between operations which were, and operations which were not, performed under letter of registration:

(*a*) Revenue aircraft hours and miles, and total aircraft hours and miles.

(*b*) Number of revenue passengers and tons of revenue cargo.

(*c*) Revenue passenger miles and revenue ton miles of cargo.

(vi) *Station data.* Reports by noncertificated cargo carriers shall contain also the following information, covering only operations performed pursuant to letter of registration, and set forth by points so authorized to be served:

(*a*) The number of flights arriving at and departing from each station during the period covered.

(*b*) The total tons of cargo enplaned and deplaned at each station during the period covered.

(3) *Flight report by large irregular carriers.* For the calendar quarter ending March 31, 1948, each large irregular carrier shall file a "Flight Report" by July 15, 1948 and for each succeeding calendar quarter, shall file such report within twenty days after the termination of the respective reporting period. Data reported pursuant to subdivisions (ii) and (iii) of this subparagraph shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure unless reportable pursuant to section 412 of the act. Requirements for the flight report are as follows:

(i) *Chronological tabulation.* The flight report shall contain a tabulation of all flights other than training and test flights on which no goods or passengers are carried, in chronological order, setting forth the following data for each such flight:

(*a*) Registration number of the aircraft.

(*b*) An indication by the letters "D", "P", "C", or "PC", whether the flight was "Deadhead" or carried "Passengers", or "Cargo", or both "Passengers & Cargo" respectively.

(*c*) The date of departure from the point of origin and from all points at which passengers or cargo were enplaned or deplaned; and the terminal point. List such points in the order served.

(ii) *Agreements and manifests.* The flight report shall include memoranda of all oral agreements, copies of all written agreements, and copies of all passenger and cargo manifests covering flights of the following categories:

(*a*) Each flight on which persons, either revenue or non-revenue (other than crew required by applicable Civil Air Regulations), were carried between a point in the United States (as defined by section 1 (31) of the Civil Aeronautics Act) and a point outside thereof.

(*b*) Each flight which, in the opinion of the carrier, was not in common carriage.

(iii) *Other data.* For each flight of the categories designated by subdivision (ii) of this subparagraph, a tabulation of the following data shall be submitted (unless the information is available from instruments filed pursuant to said subdivision):

(*a*) Name and address of the person for whom the flight was operated.

(*b*) Manner in which passengers and cargo transported on such flight were obtained (whether by solicitation, advertising, circular, etc.)

(*c*) Nature, terms, and conditions of the arrangements for such flight.

(*d*) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(*e*) Number of persons (other than crew required by applicable Civil Air Regulations) carried on each flight of the category designated by subdivision (ii) (*a*) of this subparagraph.

(iv) *Agreements with agencies, etc.* The flight report shall state whether or not any passengers or cargo were transported pursuant to arrangements made with any traffic generating agencies (such as ticket agents, travel agents, travel bureaus, forwarders, consolidators, etc.), and shall include memoranda of all oral agreements and copies of all written agreements covering any such arrangements. For each such arrangement, a tabulation of the following data shall be submitted (unless the information is available from the instruments filed):

(*a*) Name and address of the agency party to the arrangement.

(*b*) Nature, terms, and conditions of the arrangement, including basis on which agency compensation is computed.

(*c*) Obligations and responsibilities of the parties in connection with the transportation.

(*d*) Statement as to whether or not there was any express or implied agreement as to number of flights to be operated or amount of space to be made available.

(4) *Flight report by noncertificated cargo carriers.* For the calendar quarter ending March 31, 1948, each Noncertificated Cargo Carrier shall file a "Flight Report" by July 15, 1948, and for each succeeding calendar quarter shall file such report within twenty days after the termination of the respective reporting period. Data reported pursuant to this subparagraph shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure unless reportable pursuant to section 412 of the act. Requirements for the flight report are as follows:

(i) *Agreements and manifests.* The flight report shall state whether or not any flights of the following categories were operated, and shall include memoranda of all oral agreements, copies of all written agreements, and copies of all passenger and cargo manifests covering any such flights:

(*a*) All flights on which persons, either revenue or nonrevenue (other than crew required by applicable Civil Air Regulations) were carried.

(*b*) All flights to or from any point not authorized to be served by the carrier pursuant to § 292.5 of the Economic Regulations.

(ii) *Other data.* For each flight of the categories designated by subdivision (i) of this subparagraph, a tabulation of the following data shall be submitted (unless the information is available from instruments filed pursuant to said subdivision):

(*a*) Name and address of the person for whom the flight was operated.

(*b*) Manner in which passengers and cargo transported on such flight were obtained (whether by solicitation, advertising, circular, etc.).

(*c*) Nature, terms, and conditions of the arrangements for such flight.

(*d*) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(*e*) Number of revenue and non-revenue passengers and pounds of cargo transported on each flight of the category designated by subdivision (i) (*b*) of this subparagraph.

NOTE: The record-keeping and reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 205 (a), 407, 1104, 52 Stat. 984; 1000, 1026; 49 U. S. C. 425, 487, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-4403; Filed, May 14, 1948; 8:45 a. m.]

[Regs. 5, Serial No. ER-125]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

CLASSIFICATION AND RECLASSIFICATION OF "LARGE IRREGULAR CARRIER" AND "SMALL IRREGULAR CARRIER"

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C. on the 7th day of May 1948.

This amendment provides for deletion of subparagraph (6) of § 292.1 (c) dealing with reporting requirements, because reporting requirements for irregular air

carriers are now contained in an amendment of § 202.1 (c) of the Economic Regulations (14 CFR 202.1 (c)) adopted this date.

In order to clarify provisions as to carriers "Utilizing only small aircraft", and provisions as to changes in the weight of aircraft utilized, this amendment: (1) Adds a new § 292.1 (b) (1) classifying irregular air carriers as "Large Irregular Carriers" and "Small Irregular Carriers"; (2) adds a new § 292.1 (b) (2) providing for change of classification; (3) amends § 292.1 (c) (2) to bring that subparagraph into conformity with the new § 292.1 (b).

This is a mere technical amendment which imposes no new requirements, and notice and public procedure are therefore unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 292.1 of the Economic Regulations (14 CFR 292.1) as follows, effective June 15, 1948:

1. By deleting subparagraph (6) of § 292.1 (c).

2. By adding new subparagraphs (1) and (2) to paragraph (b) and amending subparagraph (2) of paragraph (c), of § 292.1, as follows:

§ 292.1 *Irregular air carriers.* * * *

(b) *Classification.* * * *

(1) *Large and small irregular carriers.* Pursuant to paragraph (d) (2) (vii) of this section, the application for a letter of registration specifies the aircraft units utilized in the transportation services of the carrier. If, in the case of such units, the allowable gross takeoff weight exceeds 10,000 pounds for any one unit or 25,000 pounds for the total of such units (disregarding units of 6,000 pounds or less), such carrier shall be classified as a "Large Irregular Carrier"; otherwise, such carrier shall be classified as a "Small Irregular Carrier."

(2) *Reclassification.* Each large irregular carrier and each small irregular carrier shall conduct its operations in such manner as to comply with the requirements and limitations applicable to its respective class until such carrier has been notified of its reclassification pursuant to application therefor filed with the Board by such carrier. Such application shall specify the number of aircraft units, and the type of each, which such carrier proposes to utilize in air transportation pursuant to such reclassification.

(c) *Exemptions.* * * *

(2) *Additional exemptions for small irregular carrier.* Subdivisions (ii), (iv), (vi), (vii), (x), (xi), (xiii), and (xv) of subparagraph (1) of this paragraph shall not apply to a small irregular carrier.

(Secs. 205 (a), 416 (b), 52 Stat. 984, 1004; 49 U. S. C. 425, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-4404; Filed, May 14, 1948; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration

[Amdt. 5]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) the notice, procedures, and effective date requirements appearing in section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) do not apply, since compliance with them would be impracticable, unnecessary, and contrary to the public interest;

Now therefore, acting under authority contained in Sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984, 985, 986; 54 Stat. 1231, 1233, 1234, 1235; 49 U. S. C. 401, 425, 451, 452, 457, 458), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Amber Civil Airway No. 9; Red Civil Airways Nos. 10, 34 and 50; Blue Civil Airways Nos. 3, 26, 35 and 56.

1. Section 600.4 (b) (9) is added to read:

(9) *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the intersection of the northeast course of the Charleston, S. C., radio range and the southwest course of the Myrtle Beach, S. C., VHF radio range via the Myrtle Beach, S. C., VHF radio range station; Wilmington, N. C., VHF radio range station; New Bern, N. C., VHF radio range station; Williamston, N. C., VHF radio range station (excluding the area between 9,500 feet and 18,500 feet mean sea level during the hours of darkness between the Wilmington, N. C., VHF radio range station and the Williamston, N. C., VHF radio range station); the intersection of the northeast course of the Williamston, N. C., VHF radio range and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station.

2. Section 600.4 (c) (10) is amended to read:

(10) *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).* From the Pueblo, Colo., radio range station via the intersection of the northwest course of the Dalhart, Tex., VHF radio range and the east course of the Trinidad, Colo., radio range; Dalhart, Tex., VHF radio range station; the intersection of the southeast course of the Dalhart, Tex., VHF radio range and the north course of the Amarillo, Tex., radio range; Amarillo, Tex., radio range station; Wichita Falls, Tex., radio range station to the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range via the Dallas, Tex., radio range station; Shreveport, La., radio range; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station to the intersection of the southeast course of the Birmingham, Ala., radio range and the southwest course of the Atlanta, Ga., radio range. From the intersection of the northeast course of the Atlanta, Ga., radio range and the northwest course of the Augusta, Ga., radio range via the Augusta, Ga., radio range station to the Charleston, S. C., radio range station.

3. Section 600.4 (c) (34) is amended to read:

(34) *Red civil airway No. 34 (Pulaski, Va., to Elizabeth City, N. C.).* From the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; the intersection of the southeast course of the Raleigh, N. C., radio range and the southwest course of the Rocky Mount, N. C., VHF radio range; Rocky Mount, N. C., VHF radio range station; the intersection of the northeast course of the Rocky Mount, N. C., VHF radio range and the west course of the Elizabeth City, N. C., VHF radio range; Elizabeth City, N. C., VHF radio range station to the Weeksville, N. C. (Coast Guard), radio range station.

4. Section 600.4 (c) (50) is amended to read:

(50 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

5. Section 600.4 (d) (3) is amended to read:

(3) *Blue civil airway No. 3 (Mobile, Ala., to Lafayette, Ind.).* From the intersection of the northwest course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range via the Pensacola, Fla., radio range station to the intersection of the northeast course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range, excluding that portion which lies more than two miles southeast of the northeast course of the Pensacola,

Fla., radio range. From the intersection of the northwest course of the Tallahassee, radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Gunter Field, Montgomery, Ala.; the intersection of the west course of the Maxwell Field, Ala., radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the south course of the Evansville, Ind., radio range; the Evansville, Ind., radio range station; Terre Haute, Ind., radio range station; the intersection of the north course of the Terre Haute, Ind., radio range and the southwest course of the Lafayette, Ind., radio range; Lafayette, Ind., radio range station to the intersection of the northeast course of the Lafayette, Ind., radio range and the north course of the Indianapolis, Ind., radio range.

6. Section 600.4 (d) (26) is amended to read:

(26) *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, airport; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range to the Nenana, Alaska, radio range station.

7. Section 600.4 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 (Topeka, Kans., to Des Moines, Iowa).* From the intersection of the southwest course of the Topeka, Kans. (AFB), radio range and a point 20 miles southwest of the Topeka, Kans. (AFB), radio range station via the Topeka, Kans. (AFB), radio range station to the intersection of the northeast course of the Topeka, Kans. (AFB), radio range and the northwest course of the Kansas City, Mo., radio range. From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range.

8. Section 600.4 (d) (56) is added to read:

(56) *Blue civil airway No. 56 (Elizabeth City, N. C., to Norfolk, Va.).* From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station.

This amendment shall become effective 0001 e. s. t. May 15, 1948.

(52 Stat. 973, 984, 985, 986, 54 Stat. 1231, 1233, 1234, 1235, 60 Stat. 238; 49 U. S. C. 401, 425, 451, 452, 457, 458, 5 U. S. C. 1002)

F. B. Lee,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-4385; Filed, May 14, 1948; 8:46 a. m.]

[Amdt. 7]

Part 601—Designation of Control Areas, Control Zones, and Reporting Points

Miscellaneous Amendments

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including control zones and reporting points at such locations; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee; and (4) the notice, procedures, and effective date requirements appearing in section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) do not apply, since compliance with them would be impracticable, unnecessary, and contrary to the public interest;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984, 985, 986, 54 Stat. 1231, 1233, 1234, 1235; 49 U. S. C. 401, 425, 451, 452, 457, 458), and Special Regulation No. 197 of the Civil Aeronautics Board (6 F. R. 6348), and pursuant to Section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas: Amber Civil Airway No. 9; Red Civil Airways Nos. 10, 34, 50, 68 and 69; Blue Civil Airways Nos. 26, 35, and 56; Designation and Redesignation of Control Zones; Designation and Redesignation of Reporting Points: Amber Civil Airways Nos. 2 and 9; Red Civil Airways Nos. 10, 34, 68 and 69; Blue Civil Airways Nos. 26, 35 and 56

1. Section 601.4 (b) (9) is added to read:

(9) *Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).* No control area designation.

2. Section 601.4 (c) (10) is amended to read:

(10) *Red civil airway No. 10 control areas (Pueblo, Colo., to Charleston, S. C.).* All of Red civil airway No. 10.

3. Section 601.4 (c) (34) is amended to read:

(34) *Red civil airway No. 34 control areas (Pulaski, Va., to Elizabeth City, N. C.).* All of Red civil airway No. 34.

4. Section 601.4 (c) (50) is amended to read:

(50) *Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).* No control area designation.

5. Section 601.4 (c) (68) is added to read:

(68) *Red civil airway No. 68 control areas (El Paso, Tex., to Fort Worth, Tex.).* All of Red civil airway No. 68.

6. Section 601.4 (c) (69) is added to read:

(69) *Red civil airway No. 69 control areas (El Paso, Tex., to Big Spring, Tex.)* All of Red civil airway No. 69.

7. Section 601.4 (d) (26) is amended to read:

(26) *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Nenana, Alaska).* From the Anchorage, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles north of the radio range station, and from the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range to the Nenana, Alaska, radio range station.

8. Section 601.4 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 control areas (Topeka, Kans., to Des Moines, Iowa).* All of Blue civil airway No. 35.

9. Section 601.4 (d) (56) is added to read:

(56) *Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Norfolk, Va.).* All of Blue civil airway No. 56.

10. Section 601.4 (e) (62) is amended to read:

(62) *Control area extension (Raleigh, N. C.).* From the Raleigh, N. C., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

11. Section 601.4 (e) (112) *Control area extension (Santa Barbara, Calif.),* is revoked.

12. Section 601.4 (e) (120) is amended to read:

(120) *Control area extension (Iowa City, Iowa).* Within a 5 mile radius of the Iowa City Airport extending 5 miles either side of a line between the airport and the intersection of the north course of the Burlington, Iowa, radio range and the west course of the Moline, Ill., radio range.

13. Section 601.4 (e) (125) is amended to read:

(125) *Control area extension (Tallahassee, Fla.).* From the Tallahassee (Dale Mabry Field), Fla., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southeast of the ILS localizer.

14. Section 601.8 (a) is amended by adding the following airport: "Niagara Falls, N. Y.: Municipal Airport."

15. Section 601.8 (b) is amended by deleting the following airport: "Wilkes Barre, Pa.: Wyoming Valley Airport".

16. Section 601.8 (b) is amended by adding the following airport: "Wilkes Barre, Pa.: Wilkes Barre-Scranton Airport".

17. Section 601.8 (c) (16) *Austin, Tex., control zone,* is revoked.

18. Section 601.8 (c) (82) *Akron, Ohio, control zone,* is revoked.

19. Section 601.8 (c) (190) is amended to read:

(190) *Atlantic City, N. J., control zone.* within a 7 mile radius of the Naval Air Station extending 2 miles either side of the southeast course of the Atlantic City, N. J., Navy radio range to a point 8 miles southeast of the radio range station excluding that portion which lies within danger areas.

20. Section 601.8 (c) (219) is amended to read:

(219) *Iowa City, Iowa, control zone.* Within a 5 mile radius of the Iowa City Airport and 2 miles either side of a line extending to the intersection of the north course of the Burlington, Iowa, radio range and the west course of the Moline, Ill., radio range.

21. 601.9 (b) (2) is amended to read:

(2) *Amber civil airway No. 2 (Long Beach, Calif., to Fairbanks, Alaska).* Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta, Utah, radio range station; Salt Lake City, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station; Tanacross, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range.

22. Section 601.9 (b) (9) is added to read:

(9) *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* Myrtle Beach, S. C., VHF radio range station; New Bern, N. C., VHF radio range station.

23. Section 601.9 (c) (10) is amended to read:

(10) *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).* The intersection of the east course of the Trinidad, Colo., radio range and the southwest course of the La Junta, Colo., radio range; Wichita Falls, Tex., radio range station; the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range; Dallas, Tex., radio range station; the intersection of the east course of the Dallas, Tex., radio range and the northwest course of the Tyler, Tex., radio range; the intersection of the northeast course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

24. Section 601.9 (c) (34) is amended to read:

(34) *Red civil airway No. 34 (Pulaski, Va., to Elizabeth City, N. C.).* Rocky Mount, N. C., VHF radio range station.

25. Section 601.9 (c) (68) is added to read:

(68) *Red civil airway No. 68 (El Paso, Tex., to Fort Worth, Tex.).* No reporting point designation.

26. Section 601.9 (c) (69) is added to read:

(69) *Red civil airway No. 69 (El Paso, Tex., to Big Spring, Tex.).* No reporting point designation.

27. Section 601.9 (d) (26) is amended to read:

(26) *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* Talkeetna, Alaska, non-directional radio marker; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range.

28. Section 601.9 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 (Topeka, Kansas, to Des Moines, Iowa.)* No reporting point designation.

29. Section 601.9 (d) (56) is added to read:

(56) *Blue civil airway No. 56 (Elizabeth City, N. C., to Norfolk, Va.).* No reporting point designation.

This amendment shall become effective 0001 e. s. t., May 15, 1948.

(52 Stat. 973, 984, 985, 986, 54 Stat. 1231, 1233, 1234, 1235, 60 Stat. 238; 49 U. S. C. 401, 425, 451, 452, 457, 458; 5 U. S. C. 1002)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-4386; Filed, May 14, 1948; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5337]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

H. WALLACE JOHNSTON

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or Properties of product or service.* In connection with the offering for sale, sale, or distribution of the leaves of the Aloe Vera plant or any other product of substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's Aloe Vera leaves, which advertisements represent directly or through inference, (a) that the external application of the jelly obtained from the leaf of the Aloe Vera plant is a competent or effective treatment for infections, external sores, swellings, ulcers, sprains, bruises, eczema, or other skin diseases, or that such application has any therapeutic value in the treatment of such skin conditions in excess of affording a soothing effect by providing a temporary, moist coating; (b) that the use of the leaves of the Aloe Vera plant has any therapeutic value in the treatment of burns, including X-ray and third degree burns, in excess of supplying a moist, mucilaginous substance which will keep dressings from adhering, serve as a skin protective, and, in some cases, serve to alleviate pain; (c) that the juice or extract of the leaf of the Aloe Vera plant has any therapeutic value other than that afforded by a laxative; (d) that the juice or extract of the leaf of the Aloe Vera plant has any therapeutic value in the treatment of stomach ulcers, arthritis, rheumatism, gout, diabetes, colitis, indigestion, or any disorders resulting from excess acidity or sugar; (e) that the juice or extract of the leaf of the Aloe Vera plant will clear the blood of all germs and poisons; or (f) that the juice or extract of the leaf of the Aloe Vera plant has any value in the treatment of amenorrhea; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and Desist Order, H. Wallace Johnston, D. 5337, March 12, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of respondent, testimony and other evidence in support of the complaint and in opposition thereto taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, H. Wallace Johnston, individually and trading as Palm Lodge Tropical Fruit Groves, and his agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of the leaves of the Aloe Vera plant or any other product of substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

a. That the external application of the jelly obtained from the leaf of the Aloe Vera plant is a competent or effective treatment for infections, external sores, swellings, ulcers, sprains, bruises, eczema, or other skin diseases, or that such application has any therapeutic value in the treatment of such skin conditions in excess of affording a soothing effect by providing a temporary, moist coating.

b. That the use of the leaves of the Aloe Vera plant has any therapeutic value in the treatment of burns, including X-ray and third degree burns, in excess of supplying a moist, mucilaginous substance which will keep dressings from adhering, serve as a skin protective, and, in some cases, serve to alleviate pain.

c. That the juice or extract of the leaf of the Aloe Vera plant has any therapeutic value other than that afforded by a laxative.

d. That the juice or extract of the leaf of the Aloe Vera plant has any therapeutic value in the treatment of stomach ulcers, arthritis, rheumatism, gout, diabetes, colitis, indigestion, or any disorders resulting from excess acidity or sugar.

e. That the juice or extract of the leaf of the Aloe Vera plant will clear the blood of all germs and poisons.

f. That the juice or extract of the leaf of the Aloe Vera plant has any value in the treatment of amenorrhea.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's Aloe Vera leaves in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement contains any of the representations prohibited in paragraph 1 hereof and the subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-4401; Filed, May 14, 1948; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51912]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

MISCELLANEOUS AMENDMENTS

1. Section 3.2, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.2), is amended as follows:

Paragraph (a) is amended to read as follows:

(a) A vessel of 20 net tons or more may be registered or enrolled and licensed. A vessel of 5 net tons or more but less than 20 net tons may be licensed (except vessels subject to the provisions of paragraph (b) of this section) or registered.

Paragraph (b) is amended to read as follows:

(b) Any vessel of 5 net tons or more which is to be documented for navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea shall be granted a frontier enrollment and license, customs Form 1273, except that a vessel used exclusively as a pleasure vessel on those waters may be granted an enrollment and license as a yacht, customs Form 1290, if entitled to be so documented in accordance with the provisions of § 3.4 of this part. (See § 3.40.)

Paragraph (d) is amended by deleting so much of the second sentence thereof as precedes and includes the colon and by substituting in lieu thereof the following: "The appropriate one of the following notations shall be made on the register of any vessel owned by a corporation, except when such register is required by any other provision of this part to bear an endorsement prohibiting the vessel from engaging in the coastwise trade:"

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4214, as amended, sec. 27, 41 Stat. 999, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 103, 883; sec. 102, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

2. Section 3.4, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.4), is amended to read as follows:

§ 3.4 *Yachts entitled to documents.* (a) Any vessel of 16 gross tons or more but less than 20 net tons, used exclusively as a pleasure vessel (except a vessel navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea) and otherwise entitled to be documented, may be licensed as a yacht. Any vessel of 20 net tons or more and any vessel navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea of less than 20 net tons but not less than 16 gross tons, used exclusively as a pleasure vessel and otherwise entitled to be documented may be enrolled and licensed as a yacht.

(b) Any vessel of 5 net tons or more but less than 16 gross tons, used exclusively as a pleasure vessel and otherwise entitled to be documented, may be registered, if the owner so desires, but if so registered shall be treated in all respects as other registered vessels. Any such vessel may be granted an enrollment and yacht license (for navigating the waters of the northern, northeastern, and northwestern frontiers otherwise than by sea) or a yacht license under special instructions from the Commissioner of Customs or without such special instructions if the application for such documentation is accompanied by a certificate by the owner or his authorized agent that, within a reasonable time, the vessel will proceed on a foreign voyage or the owner will have a mortgage against the vessel recorded. (R. S. 161, sec. 2, 3, 23 Stat. 118, 119, R. S. 4214, as amended, 5 U. S. C. 22, 46 U. S. C. 2, 3, 103; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

3. Section 3.6 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.6 (a)), is amended by adding footnote reference 5a at the end thereof and by adding the following footnote:

[5a] The ports at which marine documents may be issued are indicated in section 1.1, Customs Regulations of 1943 (19 CFR, Cum. Supp., 1.1).

4. Section 3.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.13), as amended by T. D. 51049 is further amended as follows:

Pargaraph (a) is amended by deleting the eighth and ninth sentences and by substituting in lieu thereof the following: "In the case of a partnership, the partnership name shall be signed by one of the partners, or by a duly authorized agent; the name of each of the partners shall be stated but the proportionate interest of each in the partnership business shall not be stated. In the case of individual ownership by two or more persons, the application shall be signed by all the owners, by a duly authorized agent, or by one of the owners as managing owner, provided there is filed with the collector a written authorization for him to act in that capacity signed by the owners of a majority interest in the vessel; in every case, the name of each owner shall be stated."

Paragraph (d) is amended by deleting the parenthetical matter at the end thereof and the following new paragraphs are added:

(e) A new application for the award of signal letters to a vessel of the United States shall not be required by reason of any change in status or ownership of such vessel or by reason of the redocumentation of such vessel after a period during which it has been out of documentation. The award of such letters shall not be canceled except upon special authorization of the Commissioner of Customs.

(f) The Bureau will give consideration to granting special authorization for the cancelation of an award of signal letters upon application by or on behalf of person having a permit issued by the Federal Communications Commission for the construction of a broadcasting station who desires to use such letters in connection with the operation of such station if the vessel to which such letters are awarded is no longer documented as a vessel of the United States at the time of the filing of such application. Such application shall be submitted to the Commissioner of Customs in writing and shall state (1) the name and address of the permittee, (2) the date of the granting of such permit, (3) the letters desired, and (4) the name and official number of the vessel to which such letters are awarded, if known to the applicant. (R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4177, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 45; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

5. Section 3.26 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp.,

3.26 (a)), as amended by T. Ds. 51049 and 51414, is further amended by deleting the period at the end of the last sentence thereof and adding the following: "or in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country."

(R. S. 161, sec. 2, 23 Stat. 118, sec. 30, subsec. 0 (a), 41 Stat. 1004; 5 U. S. C. 22, 46 U. S. C. 2, 961 (a); sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

6. Section 3.38, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.38, is amended as follows:

Paragraph (b) is amended by deleting the first sentence thereof and substituting in lieu thereof the following: "The affidavit of the mortgagor required by subsection D (a) (3), of the Ship Mortgage Act, 1920,[26] if not included in the mortgage, shall be presented with each preferred mortgage submitted for recording and shall be retained by the collector.[27]"

(R. S. 161, sec. 2, 23 Stat. 118, sec. 30, subsecs. D, W, 41 Stat. 1000, 1006, 49 Stat. 424; 5 U. S. C. 22, 46 U. S. C. 2, 922, 983; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Paragraph (i) is amended to read as follows:

(i) When a preferred mortgage has been discharged in whole or in part and a certificate of such discharge has been filed with the collector of customs at the home port of any vessel covered by the discharge, the collector at the home port, or the collector at the port where the vessel is, at the direction of the collector at the home port, shall endorse the fact of such discharge upon the document of the vessel. No clearance shall be granted to such vessel until such endorsement has been made.[28] (R. S. 161, sec. 2, 23 Stat. 118, sec. 30, subsecs. C, D, E, G, H, O, W, 41 Stat. 1000, 1001, 1002, 1004, 1006, 49 Stat. 424, secs. 204, 904, 49 Stat. 1987, 2016; 5 U. S. C. 22, 46 U. S. C. 2, 921–923, 925, 926, 961, 983; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

7. Section 3.42, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.42), is amended as follows:

Paragraph (d) is amended to read:

(d) The papers filed in connection with the application for documentation in accordance with the requirements of this section and any other pertinent information shall be forwarded to the Commissioner of Customs for consideration before the granting of a document to the vessel. Except as otherwise provided for in this section, the usual requirements for registry shall be complied with.

Paragraph (f) is amended by adding the following new sentence at the end of the first sentence thereof: "A foreign-built vessel admitted to American registry and thereafter sold foreign in whole or in part or placed under foreign registry is limited, upon afterward becoming the property of a citizen, to the foreign trade."

Paragraph (f) is further amended by deleting "such a vessel" from the sentence following the foregoing addition and substituting in lieu thereof "a vessel of either such class."

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4132, as amended, sec. 2, 39 Stat. 729, as amended, sec. 9, 39 Stat. 730, as amended, sec. 22, 41 Stat. 997, sec. 27, 41 Stat. 999; 5 U. S. C. 22, 46 U. S. C. 2, 3, 11, 13, 802, 808, 883; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

8. Section 3.43 (e), Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.43 (e)), is amended to read as follows:

(e) The papers filed in connection with the application for documentation in accordance with the requirements of this section and any other pertinent information shall be forwarded to the Commissioner of Customs for consideration before the granting of a document to the vessel. Except as otherwise provided for in this section, the usual requirements for registry shall be complied with.

(R. S. 161, sec. 2, 3, 23 Stat. 118, 119, R. S. 4132, as amended, sec. 27, 41 Stat. 999, sec. 1, 49 Stat. 154, 442, sec. 204, 904, 49 Stat. 1987, 2016; 5 U. S. C. 22, 46 U. S. C. 2, 3, 11, 883; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

9. Section 3.51 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.51), is amended as follows:

Paragraph (c) is amended by adding footnote reference 38a at the end thereof and by adding the following footnote:

[38a] The requirement of subsection O (a) of the Ship Mortgage Act, 1920 (46 U. S. C. 961 (a)), that the document of a vessel covered by a preferred mortgage may not be surrendered without the approval of the United States Maritime Commission and the mortgagee applies to the surrender of the document of such a vessel for the purpose of changing its name.

Paragraph (e) is amended to read as follows:

(e) If there is a change in ownership of a vessel and the new owner applies for a change in name of the vessel, his designation of home port shall be in the name under which the vessel was last documented. A designation of home port shall not be required to be submitted merely by reason of a change of name.

Paragraph (i) is amended by the addition of the following:

Upon the approval of the change in name and the payment of the required fee, the vessel may be documented immediately even though the order for the change in name has not been published, provided the collector is satisfied that the contract for publication has been entered into and he has been furnished with a receipt for the payment of the cost thereof. The order for the change in name shall be published in the following form:

Notice is hereby given that the Commissioner of Customs, Treasury Department, has issued an order on _____ authorizing the name of the _____, (rig) (name) official number _____, owned by _____, of which _____ is the home port, to be changed to _____. (new name)

_____ (deputy collector)

Paragraph (k) is amended to read as follows:

(k) The applicant shall furnish to the collector of customs, who shall forward to the Commissioner of Customs, (1) an affidavit or declaration of publication executed by an officer of the newspaper in which the order for the change of name was published setting forth the wording of the order, the dates of publication, and the payment of the cost of advertising, or (2) a copy of each of the four consecutive issues of the newspaper in which the order appeared, together with a receipt for the payment of the cost of advertising. A copy of any document issued to the vessel in the new name shall be transmitted on the day of issue to the Commissioner of Customs in the usual manner.

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4179, secs. 1–3, 41 Stat. 436, 437; 5 U. S. C. 22, 46 U. S. C. 2, 3, 50–53; sec. 102, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

10. Section 3.53 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.53), is amended as follows:

Paragraph (a) is amended to read as follows:

(a) A vessel documented as a yacht shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. If so documented, such vessels may proceed from port to port within the United States without entering or clearing, and to foreign ports without clearing. A vessel of 15 gross tons or under which is so documented, which has not visited a hovering vessel, and which is not liable to seizure and forfeiture for any violation of the laws of the United States is not required to make entry. Any other vessel which is so documented shall enter on arrival from a foreign port.

The first sentence of paragraph (b) is amended to read as follows:

(b) Upon the application of the owner on customs Form 1250, submitted through a collector of customs, a commission may be issued by the Commissioner of Customs to any vessel licensed or enrolled and licensed as a yacht, belonging to a regularly organized and incorporated yacht club, to identify such yacht and its owner during a foreign voyage. * * *

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4197, as amended, R. S. 4214, as amended, R. S. 4217, as amended, R. S. 4218, as amended, secs. 434, 624, 46 Stat. 711, 759; 5 U. S. C. 22, 19 U. S. C. 1434, 1624, 46 U. S. C. 2, 3, 91, 103, 105, 106; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

11. Section 4.3 (a) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.3 (a)), is amended by deleting the words "every vessel of the United States" and by substituting in lieu thereof the words "every American vessel."

(R. S. 161, R. S. 251, sec. 2, 23 Stat. 118, secs. 434, 624, 46 Stat. 711, 759, sec. 301, 49 Stat. 527; 5 U. S. C. 22, 19 U. S. C. 66, 19 U. S. C. 1434, 1624, 46 U. S. C. 2; sec. 102, Reorg. Plan No. 3 of 1946, 11 F .R. 7875)

12. Section 4.20 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.20 (c)), is further amended by changing the table at the end thereof to read as follows:

Classes of vessels	Rate per net ton		
	Regular tax	Special tax	Light money
Vessels of the United States:			
1. Under provisional register, without regard to citizenship of officers	$0.02 or $0.06		
2. All others:			
(i) If all the officers are citizens	.02 or .06		
(ii) If any officer is not a citizen	.02 or .06	[40] $0.50	[40] $0.50
Undocumented vessels which are owned by citizens [41]	.02 or .06	.50	[42] .50
Vessels of Philippine registry, owned by citizens of the Philippine Islands			
Foreign vessels: [43]			
1. Of nations whose vessels are exempted from special tax or light money	.02 or .06		
2. Entering from a foreign port or place where vessels of the United States are not ordinarily permitted to enter and trade	.02 or .06	[44] 2.00	[44] .50
3. All others:			
(i) Built in the United States	.02 or .06	.30	.50
(ii) Not built in the United States	.02 or .06	.50	.50

(R. S. 161, sec. 3, 23 Stat. 119, R. S. 4131, as amended, R. S. 4219, as amended, R. S. 4225, as amended; 5 U. S. C. 22, 46 U. S. C. 3, 121, 128, 221; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

13. Section 4.21 (b) (14) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.21 (b) (14)), is amended by adding footnote reference 44a at the end thereof and by adding the following footnote:

[44a] "Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year." (46 U. S. C. 132.) This statute applies to a vessel arriving in the United States on a voyage otherwise than by sea from a port in the province of Ontario, Canada, only.

14. Paragraph (b) of § 4.61, Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.61 (b)), is amended by deleting the word "Fumigation" in item (14) and by substituting in lieu thereof the word "Pratique."

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22, 46 U. S. C. 2; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

15. Section 4.70 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.70), is amended to read as follows:

§ 4.70 *Pratique.* No clearance shall be granted to a vessel subject to the foreign quarantine regulations of the Public Health Service unless it has been issued a certificate of free pratique or has been remanded to another port in the United States. (See Part IV, Appendix.) (R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22, 46 U. S. C. 2; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

16. Paragraph (a) of § 4.72 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.72 (a)), is amended to read as follows:

(a) No clearance shall be granted to any vessel carrying meat or meat-food products, as defined and classified by the Bureau of Animal Industry, Department of Agriculture, until there have been filed with the collector such copies of export certificates concerning such meat or meat-food products as are required by the pertinent regulations of the Bureau of Animal Industry, Department of Agriculture (9 CFR, Parts 24 and 29).

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22, 46 U. S. C. 2; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

17. Section 4.75 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.75), is hereby rescinded.

(R. S. 161, sec. 2, 23 Stat. 118, sec. 3.30 Stat. 248; 5 U. S. C. 22, 46 U. S. C. 2, 291; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

18. The third sentence of § 4.81 (d) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.81 (d)) is amended to read as follows: "Within 24 hours after arrival at the second port in the United States, the master shall report his arrival to the collector and shall make entry within 48 hours by filing with the collector the permit to proceed with his oath executed on subdivision 6 of the form, and the document of the vessel."

(R. S. 161, sec. 2, 23 Stat. 118, R. S. 4367, 4368; 5 U. S. C. 22, 46 U. S. C. 2, 313, 314; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

19. The first sentence of § 4.84 (a) (19 CFR, Cum. Supp., 4.84 (a)), is amended to read as follows: "No vessel shall depart from a port in noncontiguous territory of the United States for any other port in such territory or for any port in the continental United States, nor from any port in the continental United States for any port in such territory, until a clearance for the vessel has been granted, except that clearance is not required for a vessel departing from a port in Alaska or Hawaii for any port in any noncontiguous territory of the United States or in the continental United States or for a vessel departing from a port in any such territory or in the continental United States for a port in Alaska or Hawaii.[114]"

(Pub. Law 476, 80th Cong., R. S. 161, sec. 2, 23 Stat. 118, R. S. 4197, as amended, R. S. 4200, as amended, 32 Stat. 172; 5 U. S. C. 22, 46 U. S. C. 2, 91, 92, 95; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

20. Section 4.87 (d) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.87 (d)), is amended to read as follows:

(d) On arrival at the next and each succeeding domestic port, the master shall report arrival within 24 hours. He shall also make entry within 48 hours by presenting the vessel's document and the certified manifest received by him upon clearance from the last port. Subdivision 3 of the Form 1385 attached to such manifest shall be completely executed upon delivery of the manifest to the collector.

(R. S. 161, sec. 2, 23 Stat. 118, R. S. 4367, 4368, sec. 433, 437, 624, 46 Stat. 711, 759; 5 U. S. C. 22, 19 U. S. C. 1433, 1437, 1624, 46 U. S. C. 2, 313, 314; sec. 102 Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

21. Section 4.98 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.98), is amended as follows:

Paragraph (d) is amended by inserting the following after the second sentence: "This fee shall not be collected in the case of a foreign vessel proceeding on a voyage by sea from one district in the United States to another such district via a foreign port."

Paragraph (e) is amended by inserting the following after the second sentence: "This fee shall not be collected in the case of a foreign vessel which arrives in one district in the United States from another such district on a voyage by sea via a foreign port."

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22, 46 U. S. C. 2; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: May 7, 1948.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-4405; Filed, May 14, 1948; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

[ECA Reg. 1]

PART 1111—MEANS OF PAYMENT FOR PROCUREMENT

Preamble: The provisions of this part concerning the terms and conditions for establishing accounts in banking institutions in the United States have been approved by the Secretary of the Treasury.

Sec.
1111.1 Definition of terms.
1111.2 Scope of regulations.
1111.3 Types of means of payment.
1111.4 Reimbursement for specific procurement payments by a participating country.
1111.5 Letter of commitment to banking institutions.
1111.6 Letter of commitment to suppliers.
1111.7 Procurement by U. S. Government agencies.
1111.8 Saving clause.

AUTHORITY: §§ 1111.1 to 1111.8, inclusive, issued under sec. 111 (b) (1), Pub. Law 472, 80th Cong.

§ 1111.1 *Definition of terms.* For the purposes of this part:

(a) "The act" shall mean the Foreign Assistance Act of 1948, Pub. Law 472, 80th Cong.

(b) "The Administration" shall mean the Economic Cooperation Administration.

(c) "The Administrator" shall mean the Administrator for Economic Cooperation.

(d) "Participating country" shall include any person or organization, governmental or otherwise, designated by the government of such country, to act for or on its behalf in connection with approved procurement under the act.

§ 1111.2 *Scope of regulations.* The regulations of this part provide for means of payment under accounts established for the purpose of facilitating procurement (a) through private channels of trade, which will be utilized to the maximum extent practicable, subject to adequate safeguards to assure the proper expenditure of funds under the act within approved programs and in accordance with the terms and conditions established by the Administrator, (b) through the procurement services and facilities of other departments, agencies and establishments of the United States Government, and (c) through other channels designated by the Administrator. The regulations of this part do not apply to assistance furnished to a participating country on credit terms.

§ 1111.3 *Types of means of payment.* (a) As programs for assistance to a participating country are approved or modified from time to time, they shall be established on the books of the Administration. From funds made available under the act, including advances by the Reconstruction Finance Corporation authorized under the act, the sums necessary to carry out such programs shall be allocated by the Administrator (1) to the Administration for procurement effected through the means authorized in paragraphs (b) (1), (b) (2), and (b) (3) of this section and (2) to the appropriate other departments, agencies or establishments of the Government for procurement effected by the means authorized in paragraph (b) (4) of this section. Out of such allocations, appropriate accounts shall be established on the books of the Administration or the other departments, agencies or establishments concerned. Procurement authorizations shall be issued under the approved programs of assistance in the form designated as "Assistance Request and Procurement Authorization" (ECA Form 21)[1] for the benefit of a participating country, within the limits of funds available, and each such authorization shall set forth the means of payment, and other terms and conditions, under which the specific procurement operations approved in the authorization may be carried out.

(b) Procurement authorizations may provide for financing procurement of commodities or services by:

(1) Reimbursement to a participating country for payments made by it for procurement. (See § 1111.4);

(2) Issuance of letters of commitment to banking institutions in the United States, undertaking to make reimbursement for payments made by them to suppliers through commercial letters of credit or otherwise on behalf of a participating country. (See § 1111.5);

(3) Issuance of letters of commitment to suppliers in connection with specific contracts with or on behalf of a participating country providing for payments for commodities or services. (See § 1111.6);

(4) Charges to funds allocated to other departments, agencies, or establishments of the Government to cover costs incurred in procurement of commodities or services which the Administrator authorizes from time to time.

(c) Payments or withdrawals under any means of payment shall be effected only on the condition that the participating country agrees to reimburse promptly the appropriate amount to the Administrator upon demand, whenever it appears to him that the documentation submitted by or on behalf of a participating country or its agent does not support the expenditure for which the payment or withdrawal was made or whenever the Administrator concludes that the payment or withdrawal was improper for any reason.

(d) Letters of commitment shall be cleared within the Administration through the same channels as procurement authorizations.

§ 1111.4 *Reimbursement for specific procurement payments by a participating country.* (a) Reimbursement shall be allowed only for specific payments made by a participating country for procurement included within approved programs covered by Procurement Authorizations and supported by (1) properly executed vouchers (Standard Form 1034 (Revised)[1]), (2) evidence of the receipt of payment by suppliers under specified contracts, (3) Supplier's Certificate in the form specified in Exhibit A, (4) documentation showing quality, quantity and prices and evidence of delivery and (5) other documentation referred to in the Procurement Authorization.

(b) During the transitional period of thirty days after the effective date of this regulation, reimbursements, based on Procurement Authorizations, may be made to a participating country, for payments made by it during such transitional period, without filing the prescribed Supplier's Certificate in the form specified in Exhibit A. Claims for reimbursement may also be allowed without such Certificate in the form specified in Exhibit A for payments made by such country prior to April 3, 1948, to the extent that such payments related to commodities, included within procurement authorizations, delivered in such country subsequent to such date.

§ 1111.5 *Letter of commitment to banking institutions.* (a) For the purpose of financing procurement through commercial letters of credit or other forms of bank credit, when so provided in the Procurement Authorization, the Administrator may issue a letter of commitment to a banking institution in the United States for the purpose of assuring reimbursement, not in excess of a specified amount in dollars and in accordance with the terms of such letter, for payments made for the account of a participating country, including payments for procurement outside the United States (including its territories and possessions). The letter of commitment shall be substantially in the form of Exhibit B, adapted to special circumstances.

(b) Payments under a letter of commitment shall be effected in the amounts specified therein upon presentation of properly executed vouchers (Form 1034 (revised)) supported by the documentation required for the expenditure of Government funds as set forth in the Procurement Authorization and the letter of commitment, which shall include documentation showing the quantity, quality and price of the commodities or services procured, and a certificate (in the form of Annex A or Annex B to Exhibit B) by the beneficiary (supplier).

§ 1111.6 *Letter of commitment to suppliers.* (a) For the purpose of financing specific procurement contracts, when so provided in the Procurement Authorization, the Administrator may issue a letter of commitment to a supplier or transportation company assuring payment under such contract not in excess of a specified amount of dollars. The letter of commitment shall be issued only in connection with a specific contract (identified in terms of quantity, quality and price) in connection with which the payments are scheduled, and shall incorporate the contract by reference. The letter shall specify the procurement authorization under which it is issued, and such other information as may be specifically required by the Administrator, and shall provide for such safeguards as the Administrator may direct, such as supplier's bond in the case of progress payments.

(b) The letter of commitment may be issued in either (1) the short form (as set forth in Exhibit C) for single-payment contracts wherein the payment effects a transfer of title to commodities for which the contract price equals the amount of such payments or (2) the long form (as set forth in Exhibit D) for multiple-payment contracts, including installment or partial deliveries and arrangements for progress payments. The letter of commitment may be sent to the supplier directly by the Administration or by the participating country through normal trade and banking channels or in such other manner as may be specified by the participating countries.

(c) The monies due or to become due under such letter shall be assignable by the supplier only through signing the certification in the space provided on the letter, and only to a banking institution organized under the laws of the United States, State, Territory or Possession thereof or the District of Columbia. If a notice of assignment is sent to the Administrator and the General Accounting Office under the Assignment of Claims Act of 1940, such notice shall not be effective unless the date and fact of such notice is indicated in the space provided for such purpose on the letter of commitment.

[1] Filed as part of the original document.

(d) To secure payment under the short-form letter of commitment (Exhibit C), the supplier shall execute the certification required on the reverse side thereof and shall attach such documents as are specified in the letter of commitment, and may submit the letter (with attachments) for payment by the Administrator directly or through normal banking channels on an assignment basis as specified on the letter of commitment.

(e) To secure payments under the long-form letter of commitment (Exhibit D), the supplier or his assignee shall present to the Administrator at the times scheduled a properly executed voucher (Standard Form 1034 (Revised)) supported by documentation required for the expenditure of Government funds as set forth in the letter of commitment. The original letter of commitment signed by the Administrator or his designee shall be returned to the Administration at the time of final payment.

§ 1111.7 *Procurement by U. S. Government agencies.* Whenever procurement of a commodity or service is made through U. S. Government procurement facilities, the procurement authorization shall so specify, and shall be transmitted to the appropriate department, agency or establishment for procurement in accordance with the terms of a basic agreement executed by the head of such department, agency or establishment and the Administrator. In such case, an allocation of funds to such agency will be made by the Administrator.

§ 1111.8 *Saving clause.* The Administrator may waive, withdraw, or amend at any time or from time to time any or all of the provisions of these regulations.

PAUL G. HOFFMAN,
Administrator for Economic Cooperation.

EXHIBIT A

FORM OF CERTIFICATE BY SUPPLIER PAID BY A PARTICIPATING COUNTRY OR ITS AUTHORIZED AGENT UNDER PROCEDURE FOR REIMBURSEMENT

The undersigned hereby acknowledges notice that the payment in the amount of U. S. $_____ claimed by him under Contract No. _____ with _____, an authorized agent of the Government of _____, is to be reimbursed pursuant to Procurement Authorization No. ____ to the Government of _____ by the United States of America out of funds made available under the Economic Cooperation Act of 1948, and in consideration of the receipt of such amount further certifies to and agrees with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is entitled to the payment in the amount above specified under said contract and he will promptly make appropriate reimbursement to the Administrator in the event of his non-performance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate.

2. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

3. The undersigned has not given or received and will not give or receive by way of side payments, kick-backs, or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

4. The contract price under said contract does not exceed the established or market price, whichever is lower, for the commodities current at the time the contract became binding or, in the event of an "escalator clause", then at the time of delivery, and does not exceed the prices paid to the undersigned for similar amounts of like commodities by other customers, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

5. Payment under said contract is not based on cost-plus-a-percentage-of cost.

Executed at _____
(City) (State)
this _____ day of _____, 19____.

_____
(Vendor or supplier)

EXHIBIT B

FORM OF ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

_____, 194__.

Re: Procurement Authorization No. ____
- to _____
Approved Applicant _____

GENTLEMEN: In accordance with the provisions of the Foreign Assistance Act of 1948, and the regulations promulgated thereunder, the Administrator for Economic Cooperation has approved a supply program referred to in the enclosed copy of "Assistance Request and Procurement Authorization" (herein called the Procurement Authorization) of the participating country named in the caption hereof; and this Letter of Commitment is delivered to you at the request of said participating country or its authorized agent. In the Procurement Authorization the Administrator has agreed with the Approved Applicant as named in the caption hereof (upon the authorities and signatures of which as designated and identified to you by the Administrator, you may fully rely in any action taken by you hereunder) to reimburse such Approved Applicant for monies expended by or for the account of such Approved Applicant in accordance with the Procurement Authorization.

In consideration of your issuance at your option of one or more commercial Letters of Credit or making at your option payment to suppliers, in accordance with application or request therefor by the Approved Applicant, the Administrator agrees with, and guarantees to, you that, in accordance with the said Act, he will make reimbursement (without addition of interest or of your commissions, expenses or other charges) to the Approved Applicant, in the manner and subject to the terms and provisions hereinafter described, of the face amount of all drafts drawn under any such commercial Letter of Credit and paid by you for the account of the Approved Applicant and the amount of all payments made by you to suppliers for account of the Approved Applicant, up to but not exceeding the following respective dollar amounts for the procurement of not exceeding the following respective quantities of the following commodities or services:

Commodity	*Quantity or Service*	*Amount*
Total		$_____

You are hereby approved as an authorized financing institution to which may be assigned the right to receive the moneys due and to become due under the Procurement Authorization to the extent of the respective dollar amounts for the respective quantities of commodities or services stated above.

The manner of making reimbursements hereunder shall be governed solely by the terms and provisions annexed hereto and incorporated herein by reference.

If this Letter of Commitment is satisfactory to you, please sign and return the enclosed copy hereof.

Yours very truly,

_____
Administrator for Economic Cooperation under Foreign Assistance Act of 1948.
By _____
Authorized Representative.

Accepted:
_____ Bank
By _____

Terms and Provisions

1. The application or request for, and any agreement relating to, any such Letter of Credit issued or payment made hereunder may be in such form and contain such terms and provisions as the Approved Applicant and you may agree upon, and the Approved Applicant and you may agree to any extension of the life of, or any other modification of, or variation from, the terms of any Letter of Credit issued by you or any agreement covering payments to be made by you, provided that such terms and provisions and any such extension, modification or variance are in no respect inconsistent with or contrary to the terms and provisions of this Letter of Commitment, and in case of any inconsistency or conflict, the terms and provisions of this Letter of Commitment shall control. In any event every application for a Letter of Credit and every request for payment shall include the substance of the directions as to documentation contained in the Procurement Authorization.

2. (a) Each Letter of Credit shall specify as a document required to be presented with each draft drawn thereunder a beneficiary's certificate, in the form annexed hereto, as Annex A, signed by the beneficiary named in such Letter of Credit, the words of specification in such Letter of Credit to read substantially as follows:

"Certificate in the form annexed [or "appearing on the reverse or face hereof"] prescribed by Administrator for Economic Cooperation."

Each Letter of Credit shall also specify that each draft drawn thereunder shall contain on the face a description of the contract substantially conforming with the description of the contract contained in the relevant beneficiary's certificate required hereunder to be presented with such draft, such description to consist of (a) the names of the parties to such contract, (b) its date, (c) brief description of commodities or services covered thereby, and (d) seller's contract number, if any.

(b) Each agreement covering payments to be made by you shall similarly require that a beneficiary's certificate in the form annexed hereto as Annex B be presented against each payment and that each invoice presented against each payment shall bear the procurement authorization number.

3. Reimbursement shall be made by the Administrator promptly (but in no event later than four months) after receipt by the Administrator of the following documents, which in normal course should be forwarded to the Administrator promptly after you have made the payment for the amount of which reimbursement is sought:

(a) public voucher in the standard form 1034 (as revised), bearing the following certification by the payee: "I certify that the above bill is correct and just; that payment therefor has not been received," addressed

to the Economic Cooperation Administration and signed as "Payee" by the Approved Applicant, or by you as agent for and in behalf of the Approved Applicant;

(b) beneficiary's certificate as required in paragraph 2 (a) or 2 (b) (you having no responsibility for the truth or accuracy of the statements contained therein);

(c) copy of invoice of the beneficiary named in the Letter of Credit, or of the beneficiary of the payment, bearing your endorsement of payment of such invoice signed by one of your duly authorized officers;

(d) Such other documentation as may be specified in the Procurement Authorization as required to be delivered to the Administrator.

4. You shall transmit to the Administrator with reasonable despatch after your receipt or issuance of the same (1) a copy of any application for Letter of Credit (and the terms and provisions governing the same as set forth in, or incorporated by reference in, such application) signed by the Approved Applicant, and a copy of the Letter of Credit issued by you in response to such application, and from time to time, as and when made, a copy of every extension or modification thereof or variance therefrom; (2) a copy of each document (other than those required under paragraph 3), delivered to you against payment or acceptance of any draft drawn under any letter of Credit.

5. Reimbursement to the Approved Applicant shall be made by check mailed to you and payable to your order "for account of ----------," there being inserted in such blank the name of the Approved Applicant.

6. Acceptance by you of any document in the ordinary course of business in good faith as being a genuine and valid document and sufficient in the premises, and the delivery thereof to the Administrator, shall constitute full compliance by you with any provision of the Procurement Authorization or of this Letter of Commitment requiring delivery of a document of the sort that the document actually so delivered purports to be.

7. The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke the Procurement Authorization (including termination of deliveries thereunder), provided however, that no supplement, modification or revocation shall become effective as to you until the receipt by you from the Administrator of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payment made prior to receipt of such notice, or any obligation incurred under an irrevocable Letter of Credit issued prior to receipt of such notice, for which you have not been repaid by the Approved Applicant (without however any obligation on your part to obtain such repayment). The term "Procurement Authorization" as used in this Letter of Commitment shall be deemed to include each such supplement or modification from and after receipt by you from the Administrator of written notice of the same, subject always however to the foregoing terms and provisions preserving rights of reimbursement in your behalf.

8. In the event the Administrator shall direct termination of deliveries under the Procurement Authorization or revoke such Procurement Authorization or supplement or modify the same in relation to the disposition of any document or documents and shall give you written notice thereof, you shall in all respects comply with the instructions of the Administrator to the extent you may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by you under any Letter of Credit issued by you, and you shall be repaid and reimbursed hereunder by the Administrator for the costs, expenses and liabilities paid or incurred by you in relation such instruction. You shall have no obligation or liability whatsoever to the Approved Applicant for anything done or omitted to be done by you pursuant to such instructions of the Administrator.

9. This Letter of Commitment shall inure to the benefit of your legal successors and assigns.

ANNEX A TO THE ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

Beneficiary's Certificate

Description of Contract:
Names of Parties ----------

Date: ----------
Commodities or services covered: ----------
(Brief description)
Seller's Contract No. (if any): ----------

The undersigned, in negotiating or presenting for payment (acceptance) draft No. ------ dated ----------, in the amount of $-------- drawn by the undersigned under Letter of Credit of ----------Bank, No. -------- hereby certifies to and agrees with the Administrator for Economic Cooperation under the Foreign Assistance Act of 1948 as follows:

1. The undersigned has been informed that payment of said draft has been or is to be made by said Bank in reliance upon a Letter of Commitment issued by the Administrator, in accordance with the said Act, and that reimbursement of the amount of said draft to said Bank will be made by assignment of funds of the Administrator made available to the party for whose account said Letter of Credit was issued.

2. The undersigned is entitled to payment in the face amount of the aforesaid draft under the contract specified on the face thereof and hereof, and the undersigned will promptly make appropriate reimbursement to the Administrator in the event of the nonperformance by the undersigned in whole or in part under said contract.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and the undersigned has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a *bona fide* established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received, and will not give or receive by way of side payments, "kickbacks," or otherwise, any benefit in connection with such contract, except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the established or market price, whichever is lower, for the commodities current at the time the contract became binding or in the event of an "escalator clause", then at the time of delivery, and does not exceed the prices paid to the undersigned for similar amounts of like commodities by other customers, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

Executed at ----------
(City) (State)
this --------- day of ----------, 19----.

(Vendor or Supplier)

ANNEX B TO THE ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

Beneficiary's Certificate

Description of Contract:
Name of Parties ----------

Date: ----------
Commodities or services covered: ----------
(Brief description)
Seller's Contract No. (if any): ----------

The undersigned hereby acknowledges notice that the payment in the amount of U. S. $-------- claimed by him under Contract No. ------ with ----------, an authorized agent of the Government of ----------, is to be reimbursed to the Government of ----------, by the United States of America out of funds made available under the Economic Cooperation Act of 1948, and in consideration of the receipt of such amount further certifies to and agrees with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is entitled to the payment in the amount above specified under said contract and he will promptly make appropriate reimbursement to the Administrator in the event of his non-performance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate.

2. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a *bona fide* established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

3. The undersigned has not given or received and will not give or receive by way of side payments, kickbacks, or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

4. The contract price under said contract does not exceed the established or market price, whichever is lower, for the commodities current at the time the contract became binding or, in the event of an "escalator clause," then at the time of delivery, and does not exceed the prices paid to the undersigned for similar amounts of like commodities by other customers, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

5. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

Executed at ----------
(City) (State)
this -------- day of ----------, 19---.

(Vendor or supplier)

EXHIBIT C—FORM OF SINGLE-PAYMENT LETTER OF COMMITMENT BY THE ADMINISTRATOR (FACE SIDE)

NONNEGOTIABLE

Letter No. ------ -------- ----------
City State or Country
Procurement Authorization No. ----
----------, 194----
(Month) (Day)
U. S. $ --------

LETTER OF COMMITMENT, SINGLE-PAYMENT TRANSACTION

The Administrator for Economic Cooperation, acting for the United States of America, hereby agrees to pay ----------,

not more than the sum of _____ in United States dollars, as per attached copy of contract between _____ and _____, dated _____, 1948, referring to _____, and upon presentation of this Letter to him at _____, and the submission of the following documents:

Certified invoice; Inspection report; Full set of order bills of lading _____.

Requested by: Issued by:

_____ _____
(Signature)

Authorized Agent of the Government of _____

_____
(Title)

The right to receive monies due or to become due hereunder may be assigned only on the reverse side hereof and only to a banking institution organized under the laws of the United States, any State, territory or possession thereof, or the District of Columbia.

No payment will be made hereunder if attachments are missing or fail to correspond hereto.

EXHIBIT C—FORM OF SINGLE-PAYMENT LETTER OF COMMITMENT BY THE ADMINISTRATOR (REVERSE SIDE)

The undersigned's assignment or collection hereof constitutes his certification to and agreement with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is or will be entitled to payment in the face amount of this Letter under the contract specified on the face hereof, and the undersigned will promptly make appropriate reimbursement to the Administrator in the event of his non-performance, in whole or in part, under said contract;

2. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of the commodity or services covered by said contract, and the undersigned has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

3. The contract price under said contract does not exceed the established or market price, whichever is lower, for the commodities current at the time the contract became binding or in the event of an "escalator clause," then at the time of delivery, and does not exceed the prices paid to the undersigned for similar amounts of like commodities by other customers, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated;

4. That payment under said contract is not based on cost-plus-a-percentage-of-cost;

5. The undersigned has not given or received and will not give or receive, by way of side payments, "kickbacks," or otherwise any benefit in connection with such contract except in accordance with the terms thereof.

(The above certification applies only to the original payee and does not apply to any subsequent holder.) Form and notice of assignment:

After executing the above certification, the payee named on the face hereof hereby assigns for value received the right to receive all monies due or to become due hereunder to _____, a banking institution organized under the laws of _____.

_____
(Signature of Assignor)

Date of notice, if any, sent to the General Accounting Office under the Assignment of Claims Act of 1940:

_____ _____
(Date) (Signature of person sending notice)

[NOTE: The filing of notice of assignment with the General Accounting Office will not be deemed effective unless the date of such notice is properly noted in the space provided above.]

EXHIBIT D—FORM OF ADMINISTRATOR'S LETTER OF COMMITMENT TO SUPPLIER FOR MULTIPLE PAYMENTS

No. _____

_____, 194____

(Name of Supplier)
(Address)

Re: Contract No. _____ Dated _____ _____ with _____ under Procurement Authorization No. _____ with the Government of _____ or its authorized agent.

GENTLEMEN: The Administrator for Economic Cooperation, acting for the United States of America, hereby undertakes as herein provided to make the payments in an amount not to exceed $000,000.00 to which you may become entitled under the above-described contract, as follows: (Describe basis for schedule of payments).

_____
_____
_____
_____
_____
_____

All the provisions of said contract are hereby incorporated by reference.

[Strike out the following paragraph if inapplicable under the terms of the contract.]

At your option, the Administrator agrees to make progress payments to you, upon approval of the bond hereinafter required in an amount not to exceed $000,000.00 or ( ) percent of the total contract price. Until such progress payments shall have been wholly liquidated, there shall be deducted from the amount of each contract payment otherwise due you ( ) percent. Such deducted amount shall be credited against your obligations with respect to the progress payments and the remainder only shall be paid to you. The progress payments, or such part thereof as shall not have been liquidated as previously provided, shall be paid by you to the Administrator not later than the date provided in the contract for the completion of performance by you, or any earlier or later date as may be agreed upon by the Administrator and you with or without notice to the surety or sureties on the bond to be furnished as hereinafter provided. Before any progress payments shall be made as hereinabove provided, you shall furnish to the Administrator a bond in the amount of such advance, in such form and with such surety or sureties as may be approved by the Administrator, guaranteeing payment to the Government in accordance with the provisions of this paragraph.

All payments under the contract will be made against your invoice or voucher addressed to the Economic Cooperation Administration referring to this letter of commitment and accompanied by such documents as the contract may require to entitle you to payment, together with a certification by the contracting party named above that the terms and conditions of the contract are being complied with. The final payment will be made only upon a surrender to the Administrator of the signed original of this Letter of Commitment.

By your acceptance hereof you shall warrant to the Government of the United States as follows:

(1) That you are the manufacturer or producer of, or a regular dealer in or exporter of the commodity or service covered by said contract and that you have not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee, except a bona fide established commercial or selling agency employed by you for the purpose of securing business and whose identity has been disclosed to the purchaser and whose term of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

(2) That the contract price does not exceed the established or market price, whichever is lower, for the commodities current at the time the contract became binding, or in the event of an "escalator" clause, then at such price current at the time of delivery, and does not exceed the prices paid you for similar commodities in like quantities by other customers, and that you have allowed all discounts for quantity purchases and prompt payment customarily allowed your other customers similarly situated;

(3) That payment under this contract is not based on cost plus a percentage of cost;

(4) That you have not given or received and you will not give or receive by way of side payments, "kickbacks" or otherwise any benefit in connection with such contract except in accordance with the terms thereof.

(5) That each voucher presented by you under this letter of commitment will cover an amount due you under said contract for which you have not received payment, and if for any reason you are not entitled to such payment under the terms of this Letter of Commitment you will promptly after discovery of such reason make appropriate reimbursement to the Administrator with respect to any amounts paid you under this Letter of Commitment.

Amendments to the above described contract shall become effective only upon the approval of the Administrator.

Your acceptance of the terms and conditions hereof shall be indicated by causing your duly authorized officer or officers to execute the two enclosed counterparts hereof and by then returning one of such counterparts to this office. This Letter of Commitment shall become effective when you have so indicated your acceptance.

Very truly yours,

Administrator for Economic Cooperation
For the Government of the United States

Accepted:

_____

NOTE: This letter of Commitment may be assigned only on the reverse side of this page of this Letter and only to a banking institution organized under the laws of the United States, any State, Territory or Possession thereof, or the District of Columbia.

(Reverse Side of Signature Page of Letter of Commitment to Supplier)

FORM AND NOTICE OF ASSIGNMENT

After signifying his acceptance of this Letter of Commitment, the addressee named on this Letter of Commitment hereby assigns for value received the right to receive all monies due or to become due hereunder to _____, a banking institution organized under the laws of _____.

Date: _____, 194____.

_____
(Signature of Assignor)

Notice to the General Accounting Office, Washington, D. C., under the Assignment of Claims Act of 1940, sent on _____, 194____.

_____
(Signature of the person sending notice)

[Note: The filing of notice of assignment with the General Accounting Office will not be deemed effective unless date of such notice is properly noted in the space provided above.]

[F. R. Doc. 48-4477; Filed, May 14, 1948; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5614]

PART 29—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CHANGE OF ACCOUNTING PERIOD OF SPOUSES WHERE NECESSARY TO MAKING OF JOINT RETURN; EXTENSION OF TIME IN CERTAIN CASES

PARAGRAPH 1. Section 29.46–1 of Regulations 111 provides that a taxpayer shall, before using a new accounting period for income tax purposes, secure the consent of the Commissioner, and shall make application for permission to change the accounting period direct to the Commissioner on Form 1128 at least sixty days prior to the close of the fractional part of the year for which a return would be required to effect the change. If a change of accounting period of an individual is necessary in order that such individual and his spouse may make a joint return for a taxable year ending in 1948, and the application under § 29.46–1 for such change is required to be made before July 15, 1948, such individual may, nevertheless, make an application for permission to begin his accounting period on the same day as that of his spouse by furnishing the information required on Form 1128 on or before July 15, 1948, where:

(a) Such application is for permission to change to a calendar year beginning on January 1, 1948, or to a fiscal year beginning in 1948; or

(b) Such application is for permission to change to an accounting period beginning on a day, other than January 1, in 1947 on which begins the last accounting period of the taxpayer's spouse beginning in 1947.

If such individual and his spouse each make an application described in (a) to change to a new accounting period, such applications shall be submitted together. If only one spouse makes an application described in (a) or (b), such spouse shall furnish, in addition to the information required on Form 1128 with respect to his application, the information called for on Form 1128 with respect to the nature, source and amount of income, accounting periods, taxable years, and returns of his spouse. If an application described in (a) or (b) is made and the return for the fractional part of the year resulting from the change of accounting period would, without regard to this paragraph, be due before July 15, 1948, then:

(1) The time for filing such return shall, nevertheless, be July 15, 1948, and

(2) The time for payment of the tax for such fractional part of the year shall (notwithstanding the provisions of § 29.56–1 of Regulations 111) be (i) the last day prescribed for payment of the tax for the taxable year which begins on the same day as the beginning of the fractional part of the year and which, if permission to change the accounting period of the taxpayer is not granted, is his taxable year, or (ii) July 15, 1948, whichever is the earlier.

If on or before July 15, 1948, any amount has been paid on account of the tax for a taxable year beginning on the same day as the beginning of the fractional part of the year, or credited against such tax, and has not been refunded, the application described in (a) or (b) will be granted only if the taxpayer submits a statement consenting to the treatment of such amount as payment on account of the tax (to the extent thereof) for such fractional part of the year, and to the treatment of the balance, if any, of such amount as payment on account of the estimated tax for the next taxable year. Such a consent will not be required nor applied with respect to an amount deducted and withheld on wages under Subchapter D of Chapter 9 during the calendar year 1948. Interest will be charged at the rate of 6 percent per annum on the unpaid tax for the fractional part of the year from the due date determined under this paragraph until the tax is paid. The provisions of clause (*d*) of Subpart H of Regulations 111, limiting the authority of the Commissioner to grant an extension of time in the case of an application for permission to change an accounting period, shall not be applicable to an application described in (a) or (b) of this paragraph.

PAR. 2. Section 29.46–1 of Regulations 111 is amended by inserting immediately following the fourth sentence thereof the following new sentence: "Where a timely application is made to compute the net income of an individual taxpayer upon the basis of the same accounting period as that of such individual's spouse, permission so to compute net income will be granted even though such permission will allow the individual and his spouse to reduce their taxes by taking advantage of section 12 (d) (the so-called "income splitting" provision) through the filing of a joint return, so long as no other reason appears which is considered sufficient by the Commissioner for denying such permission."

PAR. 3. Because of the application of section 51 (b), as amended by the Revenue Act of 1948, to taxable years beginning prior to the enactment of the act, delay in the application of the above regulations will adversely affect the opportunity of certain taxpayers to avail themselves of the privilege of filing joint returns. It is therefore found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) and (b) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

PAR. 4. This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in sections 46, 62 and 3791 of the Internal Revenue Code. (53 Stat. 26, 32, 467; 26 U. S. C. 46, 62, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: May 11, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-4406; Filed, May 14, 1948; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS

AGE AT REENLISTMENT

The last sentence of paragraph (b) of § 201.16 *Reenlistments,* which reads "No enlisted man will be entitled to pay or allowances from Federal funds appropriated for the support of the National Guard after he is 64", is deleted.

[NGR 25, Jan. 9, 1947, as amended by C 1, Mar. 12, 1948] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] H. B. LEWIS,
Major General,
Acting The Adjutant General.

[F. R. Doc. 48-4379; Filed, May 14, 1948; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order No. 307]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY TO CHIEFS OF DIVISIONS AND CHIEFS OF SUBDIVISIONS OF DIVISIONS

MAY 6, 1948.

§ 50.351 *Functions of the Chief, Division of Adjudication, and the Chiefs of subdivisions of that Division; conditions and restrictions.* (a) The Chief of the Division of Adjudication and the Chiefs of subdivisions of that Division may act for the Director in the classes of matters set forth in §§ 50.352 and 50.353, unless the Director in any particular matter, determines otherwise, subject in any event to an appeal to the Secretary pursuant to the rules of practice (43 CFR, Part 221).

(b) Any authority to sign delegated by §§ 50.351 to 50.353, inclusive, is applicable only to matters within the limits of departmental and bureau orders and regulations, and established policy, including allotment of funds by the Director, and which involve no new or novel question of law and no commitment not previously authorized.

§ 50.352 *Functions of the Chief, Division of Adjudication and the Chief of Divisions of that Division, with respect to various statutes.*[1] The Chief of the Division of Adjudication and the Chiefs of subdivisions of that Division may act for the Director in the following classes of matters, subject to the conditions and restrictions set forth in § 50.351:

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), and the issuance, modification, renewal, assignment, or cancellation of such leases, and the disposition of protests and conflicting applications.

[1] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a).

(3) Applications to lease public lands for a home, cabin, camp, health, convalescent, recreational, or business site under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and the issuance, assignment, modification or cancellation of such leases.

(11) Approval of applications for rights-of-way and the issuance, modification and assignment of such easement, under the following acts, *Provided, however,* That the authority hereunder shall not relate to applications involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior;

(i) Act of March 3, 1891 (26 Stat. 1101), as amended by the act of March 4, 1917 (39 Stat. 1197), act of March 1, 1921 (41 Stat. 1194), and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946–950), for right-of-way for canals, laterals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18) for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended; (23 U. S. C. 10b) for right-of-way for road-side and landscape development under the Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup., 108) for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185), and of modifications and partial or entire relinquishments of such rights-of-way.

(17) Applications for oil and gas noncompetitive leases under section 17 of the act of February 25, 1920 as amended (41 Stat. 443; 30 U. S. C. 226), the issuance of such leases, and consolidations, modifications, revocations, and cancellations relating thereto.

(22) Applications for sodium permits under section 23 of the act of February 25, 1920, as amended (41 Stat. 447; 30 U. S. C. 261), the issuance of such permits and assignments and cancellations relating thereto.

(23) Applications for sulphur permits under the act of April 17, 1926, as amended (44 Stat. 301; 30 U. S. C. 271), the issuance of such permits, and assignments and cancellations relating thereto.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269; 1274; 43 U. S. C. 1171), in accordance with existing policies. This authority shall not extend to any case in which the rights of two or more persons are involved.

§ 50.353 *Functions of the Chief of the Division of Adjudication and the Chiefs of subdivisions of that Division; general.* The Chief of the Division of Adjudication and the Chiefs of subdivisions of that Division may act for the Director in the following classes of matters, subject to the conditions and restrictions set forth in § 50.351:

(1) The issuance of final certificates and expiration notices under the homestead laws.

(2) The issuance of new and perfect patents in lieu of patents imperfect as to signature.

(3) Application for patented land or lands which in no event could be subject to disposal under the application.

(4) Applications for extensions of time within which to meet the requirements made by decisions of the Bureau of Land Management.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

MARION CLAWSON,
Director.

[F. R. Doc. 48–4387; Filed, May 14, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR SWEETPOTATOES

NOTICE OF RULE MAKING

Notice is given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Sweetpotatoes, pursuant to the authority contained in the Department of Agriculture Appropriation Act for 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947). These standards will supersede the United States Standards for Sweetpotatoes that have been in effect since July 22, 1946. The proposed standards are as follows:

§ 51.371 *Sweetpotatoes*—(a) *Grades.* (1) U. S. Extra No. 1 shall consist of sweetpotatoes of similar varietal characteristics which are firm, smooth, fairly clean, fairly well shaped, free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, soil rot, or other diseases, wireworms, weevils or other insects, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not less than 1¾ inches in diameter. In no case shall the sweetpotato be less than 3 inches or more than 10 inches in length, more than 3¼ inches in diameter, or weigh more than 18 ounces. (See tolerance for size.)

(ii) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not to exceed a total of 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

(2) U. S. No. 1 shall consist of sweetpotatoes of one type which are firm, fairly smooth, fairly clean, not more than slightly misshapen, which are free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, soil rot, or other diseases, wireworms, weevils or other insects, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not less than 3 inches in length and 1¾ inches in diameter, and shall not exceed 10 inches in length. In no case shall the sweetpotato be more than 3¾ inches in diameter or weigh more than 20 ounces. (See tolerance for size.)

(ii) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not to exceed a total of 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

(3) U. S. Commercial shall consist of sweetpotatoes which meet the requirements for U. S. No. 1 grade except for the increased tolerance for defects.

(i) Tolerance for defects: Not more than 25 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements for U. S. No. 1 sweetpotatoes, other than for size, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot. (See tolerance for size.)

(4) U. S. No. 2 shall consist of sweetpotatoes of one type which are firm, and which are free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from serious damage caused by dirt or other foreign matter, cuts, bruises, scars, growth cracks, soil rot, or other diseases,

wireworm, weevils or other insects, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not less than 1½ inches in diameter and shall weigh not more than 36 ounces. (See tolerance for size.)

(ii) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

(b) *Tolerance for size.* In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may not meet the specified size requirements but not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes which are smaller than the minimum diameter and minimum weight specified.

(c) *Unclassified.* Unclassified shall consist of sweetpotatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the sweetpotatoes in the container have the same type of flesh and practically the same color of skins. For example, dry type sweetpotatoes shall not be mixed with those of the semimoist or moist type in the same container.

(2) "Firm" means not flabby or shriveled.

(3) "Smooth" means that the sweetpotato is free from coarse veining or other defects which cause roughness to such an extent as to appreciably injure the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(4) "Fairly clean" means that in general appearance the sweetpotatoes in the container are reasonably free from dirt or other foreign matter and that the individual sweetpotatoes are not materially caked with dirt.

(5) "Fairly well shaped" means that the sweetpotatoes are not so curved, crooked, constricted or otherwise misshapen that the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container is materially affected.

(6) "Damage" means any injury or defect, not including misshapen sweetpotatoes, which materially affects the appearance, or the edible or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Secondary rootlets, when the general appearance of the sweetpotatoes in the container is materially injured or when individual sweetpotatoes are badly affected.

(ii) Sprouts, when more than 10 percent of the sweetpotatoes have sprouts more than three-fourths of an inch long.

(iii) Cuts, bruises, or scars which materially affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including the peel covering the defective area.

(iv) Growth cracks which are unhealed, or those which have developed to such an extent as to materially affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(v) Scurf (soil stain), when the general appearance of the sweetpotatoes in the container is materially injured, or the individual sweetpotato is badly stained. An individual sweetpotato is badly stained when more than 25 percent in the aggregate of the surface is affected by solid light brown discoloration. Speckled types of scurf, or lighter or darker shades of discoloration caused by scurf may be allowed over a greater or lesser area provided that no discoloration caused by scurf may affect the appearance of the sweetpotato to a greater extent than the 25 percent mentioned above.

(vi) Soil rot or pox, when it materially affects the appearance of the individual sweetpotato.

(vii) Wireworm, grass root or similar injury when any hole, on sweetpotatoes ranging in size from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ inches. Smaller sweetpotatoes shall have lesser amounts and larger sweetpotatoes may have greater amounts: *Provided,* That the removal of the injury by proper trimming does not cause the appearance of such sweetpotatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce sweetpotato.

(7) "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

(8) "One type" means that the sweetpotatoes in the container have the same type of flesh, and do not show an extreme range in color of the skin. For example, dry type sweetpotatoes shall not be mixed with those of the semimoist or moist type in the same container and deep red or purple skinned sweetpotatoes shall not be mixed with those of a yellow or reddish copper color in the same container.

(9) "Fairly smooth" means that the sweetpotato is not prominently veined and is reasonably free from defects which cause roughness to such an extent as to materially injure the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(10) "Slightly misshapen" means that the sweetpotatoes are so curved, crooked, constricted or otherwise misshapen that the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container is materially but not seriously effected.

(11) "Serious damage" means any injury or defect, not including badly misshapen sweetpotatoes, which seriously affects the appearance, or the edible or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including peel covering the defective area. Any black rot or other decay, except soil rot, shall be considered as serious damage (see subdivision IV of this subparagraph). Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dirt, when the general appearance of the sweetpotatoes in the container is seriously affected by dirt or other foreign matter.

(ii) Cuts, bruises, or scars which seriously affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including the peel covering the defective area.

(iii) Growth cracks which are unhealed, or those which have developed to such an extent as to seriously affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(iv) Soil rot or Pox, when it seriously affects the appearance of the sweetpotato or causes a loss of more than 10 percent, by weight, of the sweetpotato including the peel covering the defective area.

(v) Wireworm, grass root or similar injury when any hole, on sweetpotatoes ranging in size from 6 to 8 ounces, is longer than 1¼ inches or when the aggregate length of all holes is more than 2 inches. Smaller potatoes shall have lesser amounts and larger sweetpotatoes may have greater amounts, *Provided,* That the removal of the injury by proper trimming, does not cause the appearance of such sweetpotatoes to be injured to a greater extent than that caused by proper trimming of such injury permitted on a 6 to 8 ounce sweetpotato.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk,

Room 1844, South Building, United States Department of Agriculture, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 12th day of May 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-4427; Filed, May 14, 1948; 8:51 a. m.]

[7 CFR, Ch. IX]

[Docket No. AO-194]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Notice is hereby given that the hearing on a proposed marketing agreement and order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area, heretofore scheduled (13 F. R. 2381) to begin at 10:00 a. m. c. d. t., at the Memorial Hall Auditorium, Rockford, Illinois, on May 18, 1948, is postponed, and shall instead begin at the Federal Court Room, United States Post Office, Rockford, Illinois, at 10:00 a. m. c. d. t., on June 2, 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

MAY 12, 1948.

[F. R. Doc. 48-4426; Filed, May 14, 1948; 8:50 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

MEN'S HAT AND CAP INDUSTRY

NOTICE OF HEARING ON AMENDMENT OF PREVAILING MINIMUM WAGE DETERMINATION

Whereas, the Secretary of Labor, in the prevailing minimum wage determination for the men's hat and cap industry, issued pursuant to the provisions of the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C., secs. 35-45; otherwise known as the Walsh-Healey Public Contracts Act) and dated July 28, 1937 (41 CFR 202.11), determined that the prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the act for the manufacture or furnishing of the products of the men's hat and cap industry was 67.5 cents an hour or $27 for a week of 40 hours, arrived at either upon a time or piecework basis; and

Whereas by a determination dated January 24, 1938 a tolerance of not more than 20 percent of the employees in any one factory whose activities at any given time are subject to the act was granted for specified auxiliary workers at not less than 37.5 cents per hour or $15 per week for a week of 40 hours arrived at either upon a time or piecework basis; an amendment dated June 12, 1942 made the manufacture or furnishing of women's hats and caps of design and construction similar to those covered by the determinations dated July 28, 1937 and January 24, 1938 subject to the minimum wage set forth in those determinations; and an amendment dated February 2, 1944 removed the percentage limitation on the number of auxiliary workers which may be employed in the uniform cap and stitched hat branches, defined the term "auxiliary workers" as applied to employees in those branches and provided that any auxiliary workers in the industry shall be paid not less than 40 cents an hour or $16 for a week of 40 hours, arrived at either upon a time or piecework basis (41 CFR 202.11; 41 CFR, Cum. Supp., 202.11; 41 CFR, 1944 Supp., 202.11); and

Whereas pursuant to Article 1102 of Regulations 504 (41 CFR, Cum. Supp., 201.1102) as amended (9 F. R. 3655) workers whose earning capacity is impaired by age or physical or mental deficiency or injury may, in accordance with the procedure set forth therein, be employed on all contracts subject to minimum wage determinations issued pursuant to the Public Contracts Act at wages lower than the prevailing minimum wage specified in such determinations; and

Whereas the determination for the men's hat and cap industry of July 28, 1937, as amended, defines the industry as follows:

The manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction; and

Whereas in conformance with past interpretations under this determination it is proposed to clarify the definition of the men's hat and cap industry by rewording the definition as follows:

The manufacture and supply of men's and boys' hats and caps, hat and cap covers, cap frames, helmets and hoods; and women's hat and cap products of similar construction and design; *Provided, however,* That the definition shall not include the following types of hats and caps: leather and sheep-lined; washable service (such as cooks', bakers', hospital, etc.); rainwear; straw; knitted; and metal, molded plastic, vulcanized fiber, and similar types; and

Whereas the United Hatters, Cap and Millinery Workers International Union has petitioned for an amendment to the prevailing minimum wage determination for the men's hat and cap industry, except fur-felt hats, of 85 cents per hour for skilled workers and 65 cents per hour for auxiliary workers; and

Whereas the wage determination for the men's hat and cap industry dated July 28, 1937, as amended, contains no provision for the employment of learners at less than the specified minimum wage.

Now, therefore, notice is hereby given, that a public hearing will be held on June 15, 1948 at 10:00 a. m. in Room 7129, Department of Labor Building, Fourteenth and Constitution Avenue, NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and offer testimony: (1) Either for or against the proposal of the United Hatters, Cap and Millinery Workers International Union for amendment to the determination, except fur-felt hats, as hereinbefore set forth; (2) either for or against the proposed rewording of the definition of the industry; and (3) as to whether any amendment should include provision for the employment of learners at a rate lower than the minima hereinbefore proposed, including the following:

1. Is it the prevailing practice to employ learners at rates lower than those paid to experienced workers;

2. If learners are employed at such lower rates, (a) in what occupations are they employed, (b) in what number or proportion, (c) for what periods of time, and (d) at what rates lower than those paid experienced workers in the same occupation;

3. Should an amendment provide for the employment of learners at minimum rates lower than those established for other workers, and if so, in what occupations, at what minimum rates, and with what limitations as to the length of the learner period and the number or proportion of learners?

Any interested person may appear at the hearing to offer evidence: *Provided,* That not later than June 8, 1948, such person shall file with the Administrator of the Wage and Hour and Public Contract Divisions, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear containing the following information:

1. The name and address of the person appearing;

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing; and

3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

The survey of wages by the United Hatters, Cap and Millinery Workers International Union in support of its petition for amendment of the prevailing minimum wage determination for the men's hat and cap industry is available for distribution on or before the date of the hearing. Copies of the survey may be obtained by any person upon request addressed to the Administrator.

Signed at Washington, D. C.; this 11th day of May 1948.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 48-4428; Filed, May 14, 1948; 9:00 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 33, 34, 35]

FLIGHT RADIO OPERATORS, FLIGHT NAVIGATORS AND FLIGHT ENGINEERS

REQUIREMENTS CONCERNING HOLDING OF AN APPROPRIATE MEDICAL CERTIFICATE, ITS RENEWAL, AND DISPLAY

Pursuant to authority delegated by the Civil Aeronautics Board to the Safety Bureau, notice is hereby given that the Bureau will propose to the Board an amendment of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Safety Bureau, Washington 25, D. C. All communications received within 30 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Present regulations relating to the certification of flight radio operators, flight navigators, the flight engineers do not prescribe any period of validity for medical certificates for these airmen, nor are they prohibited from performing their duties during a period of any known physical deficiencies which would render them unable to meet the physical requirements prescribed for the issuance of their currently effective medical certificate. Also, these airmen are not required to have their airman or medical certificates in their personal possession while exercising the privilege of such certificates and are not required to produce these certificates at the request of proper authority.

It appears that airmen holding flight radio, flight navigator, and flight engineer certificates in order to be properly qualified to perform their duties should be required annually to meet the medical standards prescribed for the particular certificate. The proper airman and medical certificates should be in the personal possession of the airman at all times while exercising the privilege of the certificate and should be presented to proper authority upon request.

It is proposed to amend the Civil Air Regulations by adding new sections in substance as follows:

Medical certificate and renewal. No flight radio operator, flight navigator, or flight engineer shall exercise the privilege of his airman certificate issued by the Administrator unless at all times while exercising such privilege he has in his personal possession his airman certificate and an appropriate medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his rating within the following time limits.

(a) Flight radio operator—12 calendar months,

(b) Flight navigator—12 calendar months,

(c) Flight engineer—12 calendar months.

Operation during physical deficiency. No flight radio operator, flight navigator, or flight engineer shall exercise the privilege of his airman certificate during a period of any known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

Certificate display. A flight radio operator, flight navigator, or flight engineer shall present his airman and medical certificates for examination to any inspector of the Civil Aeronautics Administration or any State or local law enforcement officer.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560)

Dated: May 11, 1948, at Washington, D. C.

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Asistant Director (Regulations).

[F. R. Doc. 48-4408; Filed, May 14, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-28]

APPROVAL OF EQUIPMENT AND CORRECTION OF PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/35/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, manufactured by Burlington Mills, Inc., Burlington, Wis.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.002)

BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.007/67/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by the Murray and Spavin Co., 422 N. E. Sixth Avenue, Fort Lauderdale, Fla.

Approval No. 160.007/68/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by Gilbert Auto Trim Company, 6420 East Vernor Highway, Detroit, Mich.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4–1, 28.4–8)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, and 2 not carrying passengers for hire.

Rectangular buoyant cushions, U. S. C. G. Specification 160.008, manufactured by Merit Manufacturing Corp., 225–27 Powell Street, Brooklyn 12, N. Y., in the following sizes:

Approval No.	Size (inches)	Kapok (ounces)	Dwg. No. (dated Apr. 15, 1948)
160.008/387/0	13 x 18 x 2	22	101
160.008/388/0	13 x 25 x 2	30	102
160.008/389/0	16 x 18 x 2	26	103
160.008/390/0	14½ x 25¾ x 2	35	104
160.008/391/0	14½ x 29¾ x 2	40	105
160.008/392/0	23½ x 16 x 2	36	106

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4–1, 28.4–8)

GAS MASKS AND OTHER BREATHING APPARATUS

Approval No. 160.011/10/1, Bullard Ammonia gas mask, Type 42CM–3, Bureau of Mines Approval No. BM–1425, consisting of BM–1425 canister, BM–1423 facepiece, and BM–1423 canister harness, manufactured by E. D. Bullard Co., 275 Eighth Street, San Francisco 3, Calif. (This approval supersedes Approval No. 160.011/10/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.011/20/1, Bullard Multi-gas Universal gas mask, Type 31–MG, Bureau of Mines Approval No. 1432, consisting of BM–1432 canister, BM–1432

timer, BM–1432 canister harness, and BM–1423 facepiece, manufactured by E. D. Bullard Co., 275 Eighth Street, San Francisco 3, Calif. (This approval supersedes Approval No. 160.011/20/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.011/21/1, Bullard Smoke-Eater Universal gas mask, Type 31–SE, Bureau of Mines Approval No. 1433, consisting of BM–1433 canister, BM–1432 timer, BM–1432 harness, and BM–1423 facepiece, manufactured by E. D. Bullard Co., 275 Eighth Street, San Francisco 3, Calif. (This approval supersedes Approval No. 160.011/21/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 35.4–5, 61.18, 77.18, 95.17, 114.18)

LIFEBOATS

Approval No. 160.035/187/0, 26.0′ x 9.0′ x 3.83′ steel, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3201, dated November 13, 1944, and revised March 23, 1948, submitted by the Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/208/0, 12.0′ x 4.42′ x 1.92′ steel, oar-propelled lifeboat, 6-person capacity, approved for service on vessels other than ocean and coastwise, identified by construction and arrangement Dwg. No. 12–1, dated November 5, 1947, and revised April 6, 1948, submitted by the Marine Safety Equipment Corporation, Point Pleasant, N. J.

Approval No. 160.035/216/0, 14′ x 5′ x 2.17′ steel, oar-propelled lifeboat, 9-person capacity, approved for service on vessels other than ocean and coastwise, identified by construction and arrangement Dwg. No. 14–1, dated January 26, 1948, and revised March 31, 1948, submitted by the Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275, 46 CFR 37.1–1, 59.13, 76.16, 94.15, 113.10)

SOUND POWERED TELEPHONE EQUIPMENT

Approval No. 161.005/36/0, Sound powered telephone handset, Type 333, Dwg. No. A–257, Alt. 0, manufactured by United States Instrument Corp., Summit, N. J.

(R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9–4, 63.11, 79.12, 97.14, 116.10)

STRUCTURAL INSULATION

Approval No. 164.007/21/0, "Fiberglas Marine Insulation PF 625." Glass wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG3610–1512: FP2612 dated April 12, 1948, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corporation, Toledo 1, Ohio.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

CORRECTION OF PRIOR DOCUMENT

The following corrections shall be made in Coast Guard document CGFR 47–38, F. R. document 47–7118, filed July 30, 1947, and published in the FEDERAL REGISTER dated July 31, 1947, 12 F. R. 5185 et seq.:

1. Under the heading "Buoyant Apparatus," 12 F. R. 5197, Approval No. 160.010/10/0 is corrected to read as follows:

Approval No. 160.010/10/0, Buoyant apparatus, spruce with copper air tanks, 20-person capacity, Dwg. No. 1840 dated June 14, 1940, manufactured by Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J.

2. Under the heading "Hatchets, Lifeboat and Life Raft," 12 F. R. 5199, Approval No. 160.013/3/0 is corrected to read as follows:

Approval No. 160.013/3/0, No. 0 size hatchet, No. 425–C Bridgeport Belt Ax, Dwg. No. D–674, dated February 15, 1945, and U. S. C. G. Specification dated August 24, 1944, manufactured by Bridgeport Hardware Manufacturing Co., Bridgeport 5, Conn.

3. Under the heading "Fire Extinguishers, Hand, Portable, Carbon Tetrachloride Type," 12 F. R. 5226, Approval No. 162.004/44/0 is corrected to read as follows:

Approval No. 162.004/44/0, Wilbur, 2-quart carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. FE 226, revised January 24, 1946, name plate Dwg. No. FE 53, revised September 20, 1945, manufactured by Wil–X–M'F'G Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

4. Under the heading "Deck Covering," 12 F. R. 5235, Approval No. 164.006/22/0 is corrected to read as follows:

Approval No. 164.006/22/0, "Kompodek Type CU Light Weight" magnesite type deck covering in accordance with the manufacturer's letter of June 2, 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 111–115 Clay Street, Greenpoint, Brooklyn, N. Y.

CHANGE IN MANUFACTURER'S NAME

The manufacturer's name "Welin Davit and Boat Division of the Robinson Foundation" is changed to "Welin Davit and Boat Division of the American Steel & Copper Industries, Inc.," in applicable approvals listed under the headings "Buoyant Apparatus," "Winches, Lifeboat," "Davit, Lifeboat," "Mechanical Disengaging Apparatus (for Lifeboats)," "Hand Propelling Gear, Lifeboat," and "Lifeboats."

Dated: May 11, 1948.

MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 48–4407; Filed, May 14, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7629, 8119, 8261]

LAKE SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Lake Shore Broadcasting Company, Evanston, Illinois, Docket No. 7629; File No. BP–4750; Lake States Broadcasting Company, Milwaukee, Wisconsin, Docket No. 8119, File No. BP–5459; Cornbelt Broadcasting Company (WHOM), Clinton, Illinois, Docket No. 8261, File No. BMP–2562; for construction permits.

Whereas the above-entitled applications are scheduled to be heard at Washington, D. C., on May 19, 1948; and

Whereas on May 9, 1947, the Commission published a notice of proposed rulemaking with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled application of Lake Shore Broadcasting Company, Evanston, Illinois, requests the use of 1520 kc, 5 kw, daytime only, using directional antenna; the above-entitled application of Lake States Broadcasting Company, Milwaukee, Wisconsin, requests the use of 1520 kc, 5 kw, unlimited time, using directional antenna; and the above-entitled application of Cornbelt Broadcasting Company (WHOM), Clinton, Illinois, requests the use of 1520 kc, 1 kw night, 5 kw day, unlimited time, using directional antenna;

It is ordered, This 4th day of May 1948, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, July 21, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–4416; Filed, May 14, 1948; 8:49 a. m.]

[Docket Nos. 6737, 8454]

SOUTHERN CALIFORNIA BROADCASTING CO. (KWKW) AND ORANGE COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Southern California Broadcasting Company (KWKW), Pasadena, California, Docket No. 6737, File No. BP–3710; Orange County Broad-

casting Company, Santa Ana, California, Docket No. 8454, File No. BP–5936; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Washington, D. C., on May 27, 1948; and

Whereas on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled application of Southern California Broadcasting Company (KWKW), Pasadena, California, requests the use of 830 kc, 50 kw, daytime only; and the above-entitled application of Orange County Broadcasting Company, Santa Ana, California, requests the use of 850 kc, 1 kw, daytime only;

It is ordered, This 4th day of May 1948, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, July 22, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4414; Filed, May 14, 1948; 8:49 a. m.]

[Docket No. 6883]

CRESCENT BROADCAST CORP.

ORDER CONTINUING HEARING

In re application of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP–4092; for construction permit.

Whereas the above-entitled application is scheduled to be heard at Washington, D. C., on May 6, 1948; and

Whereas the above-entitled applicant has filed a petition for reconsideration and grant without hearing of the above-entitled application, and the public interest, convenience and necessity would be served by a continuance of the said hearing pending disposition of the said petition;

It is ordered, This 4th day of May, 1948, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, May 24, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4410; Filed, May 14, 1948; 8:48 a. m.]

[Docket No. 8027]

ROCK CREEK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Rock Creek Broadcasting Corporation, Washington, D. C., Docket No. 8027, File No. BP–5482; for construction permit.

Whereas the above-entitled application is scheduled to be heard at Washington, D. C., on May 21, 1948; and

Whereas on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled application requests the use of 840 kc, 10 kw, daytime only, using directional antenna;

It is ordered, This 4th day of May, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, July 23, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4417; Filed, May 14, 1948; 8:49 a. m.]

[Docket No. 8076]

WZHD, INC.

ORDER CONTINUING HEARING

In re application of WZHD, Incorporated, Warren, Ohio, Docket No. 8076, File No. BP–5598; for construction permit.

Whereas the above-entitled application is scheduled to be heard at Washington, D. C., on May 20, 1948; and

Whereas on May 9, 1948, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled application of WZHD, Incorporated, Warren, Ohio, requests the use of 830 kc, 1 kw, daytime only;

It is ordered, This 4th day of May, 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, July 20, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4415; Filed, May 14, 1948; 8:49 a. m.]

[Docket Nos. 8197, 8198, 8218, 8219]

STEEL CITY BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Steel City Broadcasting Corporation, Gary, Indiana, Docket No. 8219, File No. BP–5888; Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP–5574; McLean County Broadcasting Company, Bloomington, Illinois, Docket No. 8198, File No. BP–5857; Radio Broadcasting Corporation, Peru, Illinois, Docket No. 8197, File No. BP–5747; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Gary, Indiana, on May 25, Valparaiso, Indiana, on May 26, Bloomington, Illinois, on May 27, and at Peru, Illinois, on May 28, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled applications of Steel City Broadcasting Corporation, Gary, Indiana, and Radio Broadcasting Corporation, Peru, Illinois, requests the use of 1080 kc, 1 kw, daytime only; and the above-entitled applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, and McLean County Broadcasting Company, Bloomington, Illinois, requests the use of 1080 kc, 250 watts, daytime only;

It is ordered, This 4th day of May, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Tuesday, July 20, 1948, at Gary, Indiana, Wednesday, July 21, 1948, at Valparaiso, Indiana, Thursday, July 22, 1948, at Bloomington, Illinois, and Friday, July 23, 1948, at Peru, Illinois.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4412; Filed, May 14, 1948; 8:49 a. m.]

[Docket No. 8232]

SUBURBAN BROADCASTING CORP. (WRUD)

ORDER CONTINUING HEARING

In re application of Suburban Broadcasting Corporation (WRUD), Upper Darby, Pennsylvania, Docket No. 8232, File No. BP–5134; for construction permit.

Whereas the above-entitled application is scheduled to be heard at Washington, D. C., on May 19, 1948; and

Whereas on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I–A or I–B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled application requests the use of 1170 kc, 1 kw, daytime only;

It is ordered, This 4th day of May 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, July 20, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4418; Filed, May 14, 1948; 8:49 a. m.]

[Docket No. 8266]

HEIGHTS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of The Heights Broadcasting Company, Cleveland, Ohio, Docket No. 8266, File No. BP-5412; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on May 25, 1948; and

Whereas on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas the above-entitled application requests the use of 710 kc, 250 watts, daytime only;

It is ordered, This 4th day of May 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, July 23, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4413; Filed, May 14, 1948; 8:49 a. m.]

[Docket No. 8376]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER CONTINUING HEARING

In re application of Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey, Docket No. 8376, File No. BP-5696; for construction permit.

Whereas the above-entitled application of Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey, is scheduled to be heard on May 5, 1948, at Washington, D. C.; and

Whereas, there is pending before the Commission a petition filed March 22, 1948, by the above-entitled applicant requesting grant or denial of the said application pursuant to the special waiver procedure provided in § 1.391 of the Commission's rules;

It is ordered, This 4th day of May 1948, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, May 25, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4409; Filed, May 14, 1948; 8:48 a. m.]

[Docket Nos. 8532, 8533]

MARMAT RADIO CO. AND J. E. RODMAN (KERO)

ORDER CONTINUING HEARING

In re applications of James L. Mattley and Guy Marchetti, a partnership, d/b as Marmat Radio Co., Bakersfield, California, Docket No. 8532, File No. BP-6184; J. E. Rodman (KERO), Bakersfield, California, Docket No. 8533, File No. BP-6335; for construction permits.

The Commission having under consideration a petition filed April 23, 1948, by J. E. Rodman (KERO), Bakersfield, California, requesting a 30-day continuance of the consolidated hearing on the above-entitled applications for construction permits now scheduled for May 11, 1948, at Washington, D. C.;

It appearing, from the petition that J. E. Rodman does not intend himself to prosecute his above-entitled application for construction permit but contemplates either dismissal of his above-entitled application or the prosecution of the said application by one Paul R. Bartlett, the proposed assignee of Station KERO in an application for assignment of license now pending before the Commission (File No. BAL-627); and

It further appearing, that the substitution of Paul R. Bartlett for J. E. Rodman as applicant in the above-entitled application for change of facilities of Station KERO could be accomplished only by amendment of the said application; that such amendment would be prohibited by § 1.387 (b) (3) of the Commission's rules unless the amendment were accomplished more than twenty days before the hearing on the above-entitled applications; and that any continuance of the proceeding on the above-entitled applications of sufficient length to permit such amendment would be prejudicial to the Marmat Radio Company and contrary to the purpose of the "20-day rule" provided in § 1.387 (b) (3); but

It further appearing, that counsel for both of the above-entitled applicants have agreed to a continuance of the said hearing to June 2, 1948;

It is ordered, This 30th day of April, 1948, that the petition be, and it is hereby, granted in part; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Wednesday, June 2, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4411; Filed, May 14, 1948; 8:48 a. m.]

[Docket Nos. 8656, 8670]

GRAND HAVEN BROADCASTING CO. AND GREATER MUSKEGON BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of Grand Haven Broadcasting Company, Grand Haven, Michigan, Docket No. 8656, File No. BP-6441; Greater Muskegon Broadcasters, Inc. (WMUS), Muskegon, Michigan, Docket No. 8670, File No. BP-6445; for construction permits.

The Commission having under consideration a petition filed April 20, 1948, by Greater Muskegon Broadcasters, Inc. (WMUS), Muskegon, Michigan, requesting a continuance to May 27, 1948, of the further hearing now scheduled for May 6, 1948, at Washington, D. C., on its above-entitled application for construction permit and the above-entitled application of Grand Haven Broadcasting Company, Grand Haven, Michigan;

It appearing, that the public interest, convenience, and necessity would be better served by a continuance to June 10, 1948, rather than May 27, 1948.

It is ordered, This 4th day of May, 1948, that the said petition be, and it is hereby, granted; but that the hearing be, and it is hereby, continued to 10:00 a. m., Thursday, June 10, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4419; Filed, May 14, 1948; 8:49 a. m.]

[Docket No. 8776]

ASSOCIATED BROADCASTERS, INC. (KWIS)

ORDER CONTINUING HEARING

In re application of the Associated Broadcasters, Inc. (KWIS), San Francisco, California, Docket No. 8776, File No. BMPCT-147; for extension of completion date for construction permit for television broadcast station KWIS, San Francisco, California.

Whereas the above-entitled application of The Associated Broadcasters, Inc. (KWIS), is now scheduled to be heard on May 10, 1948, at Washington, D. C.; and

Whereas there is now pending a petition for reconsideration and grant without hearing filed by the applicant on April 7, 1948;

It is ordered, This 4th day of May, 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Tuesday, June 1, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-4420; Filed, May 14, 1948; 8:50 a. m.]

PROCEDURE ON TRANSFER AND ASSIGNMENT OF LICENSES

MAY 7, 1948.

The Commission has become increasingly disturbed in recent months concerning the apparent misconception on

the part of a number of broadcast licensees and their attorneys of the procedures to be followed to insure compliance with the provisions of section 310 (b) the act with respect to transfers and assignments of licenses or transfers of control over licensee corporations. So that there may be no future misunderstanding concerning this matter, the Commission is issuing this public notice.

Section 310 (b) provides that no licensee shall be transferred or assigned nor control over any licensee transferred "unless the Commission shall, after securing full information decide that said transfer is in the public interest, and shall give its consent in writing." It is thus clear that no transfer within the meaning of the Section can legally take place until after Commission consent has been received from the Commission to such transfer. Yet in several recent instances, transfers have been consummated prior to receipt of any Commission consent or knowledge of the transaction and the Commission has subsequently been requested to approve retroactively a transaction which has already been consummated. It is clear that such action is not in accord with the provisions of the act, and actually results in a period of operation of the station by unlicensed parties. The Commission does not intend to condone such activity in the future and it will be considered as possible grounds both for a disapproval of the transfer application and for the institution of revocation proceedings or for denial of applications for renewal of the station licenses of the offending licensees.

Another and equally irregular practice with which the Commission has recently been confronted, is for licensees to file with the Commission ownership reports showing the sale of stock in a licensee corporation or other changes in a licensee's ownership amounting to a transfer of control as required by § 1.343 of the Commission's rules and regulations, and relying upon the Commission to inform them if, on the basis of these reports a transfer application should be filed. This practice is also clearly in violation of section 310 (b) of the act, which requires Commission approval in advance of the consummation of any transaction amounting to transfer of control, as well as the express terms of § 1.343 of the rules. The responsibility for initiating requests for consent to a transfer of control rests with the licensee and the individuals concerned in the proposed transfer not with the Commission.

It is recognized, of course, that doubtful and borderline cases exist where it is not possible to be certain whether a proposed transaction would result in a transfer within the meaning of section 310 (b) as interpreted by the Commission. In such cases, however, the doubt or uncertainty should be resolved by bringing the complete facts of the proposed transfer to the attention of the Commission in advance of any consummation of the transaction for a determination as to whether Commission approval is required. In no case is uncertainty on the part of the licensee or counsel as to the legal consequences of a transfer of interests in a licensee an excuse for failure to comply with the provisions of section 310 (b) of the act.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4421; Filed, May 14, 1948; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-970, G-976]

NEW YORK STATE NATURAL GAS CORP.

ORDER POSTPONING HEARING

Upon consideration of the request filed May 11, 1948, by New York State Natural Gas Corporation (Applicant) for a postponement of the hearing in the above-entitled matters now set for May 17, 1948, on the ground that Applicant's witnesses made previous commitments for this date;

The Commission finds that: Good cause exists for postponing the said hearing as hereinafter provided.

The Commission, therefore, orders that:

The hearing on the above-entitled matters be and the same is hereby postponed to June 8, 1948, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: May 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4400; Filed, May 14, 1948; 8:48 a. m.]

[Docket No. G-997]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 6, 1948, by New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office in New York City, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 5, 1948 (13 F. R. 1199);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 27, 1948, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 11, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4381; Filed, May 14, 1948; 8:45 a. m.]

[Docket No. G-1025]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 29, 1948, by West Texas Gas Company (Applicant), a Delaware corporation with its principal place of business at Lubbock, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application in the FEDERAL REGISTER on April 21, 1948 (13 F. R. 2144-45).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 8, 1948, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such

application; *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 11, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-4382; Filed, May 14, 1948; 8:46 a. m.]

[Docket No. G-1030]

PHILADELPHIA ELECTRIC CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 7, 1948, by Philadelphia Electric Company (Applicant), a Pennsylvania corporation having its principal place of business at Philadelphia, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on April 23, 1948 (13 F. R. 2205).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on May 25, 1948, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 11, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-4383; Filed, May 14, 1948; 8:46 a. m.]

[Docket No. G-1032]

DELAWARE POWER AND LIGHT CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 9, 1948, by Delaware Power & Light Company (Applicant), a Delaware corporation having its principal place of business at Wilmington, Delaware, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on April 24, 1948 (13 F. R. 2239).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on May 25, 1948, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 11, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-4384; Filed, May 14, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Amdt. 10 to Special Directive 25]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 25 (12 F. R. 8389; 13 F. R. 301, 407, 1272, 1292, 2420), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 25, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof:

(1) To furnish to the mines listed below cars for the loading of The Central Railroad Company of New Jersey fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine:	*Cars for May 1948*
Katherine & Pepper	95
Linda	20
Cliff	30
Elk Hill	25
Roberta	40
Henshaw	15
Riley	30
McCandlish	20
Adrian	50
Linda (Sitnek)	12
Ronay (Ferguson)	6
Burns	20
Alpha	16
Cain	16

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 10th day of May, A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4391; Filed, May 14, 1948; 8:47 a. m.]

[S. O. 790, Corr. Amdt. 1 to Special Directive 55]

NEW YORK CENTRAL RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 55 (13 F. R. 1155) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 55, be, and it is hereby amended by changing paragraph (1) thereof as follows:

Mine	*Cars per week*
Change:	
West Freedom No. 6	5

A copy of this amendment shall be served upon the New York Central Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 10th day of May, A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4398; Filed, May 14, 1948; 8:47 a. m.]

[S. O. 790, Corr. Special Directive 65]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On May 5, 1948, The New York, New Haven and Hartford Railroad Company certified that it had on that date in storage and in cars less than 16 days' supply of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish to the Delmont No. 11 mine 8 cars per mine working day for the loading of fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the week will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the weekly distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 10th day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4399; Filed, May 14, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1814]

SOUTHERN PRODUCTION CO., INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of May A. D. 1948.

Southern Production Company, Inc. ("Southern"), a subsidiary of Federal Water and Gas Corporation, a registered holding company, having filed an application, and an amendment thereto, with this Commission pursuant to sections 6 (b) and 9 (c) (3) of the Public Utility Holding Company Act of 1935 ("Act") for exemption from the provisions of section 6 (a) and 9 (a), respectively, of the act in respect of the following proposed transactions:

Southern is engaged in the business of producing and marketing natural gas, distillate, oil and related products and in businesses incidental thereto.

Southern proposes to issue and sell from time to time within the next twelve months following the effective date of the Commission's order herein, to banks, and not for public offering, debt securities, not in excess of $5,000,000 aggregate principal amount to be outstanding at any one time, which shall bear interest at a rate not in excess of four percent per annum and which shall mature not more than three years from the date of issuance.

Southern requests an order which shall provide that the provisions of section 9 (a) shall not apply to the acquisition by Southern, at any time or times within the next twelve months following the effective date of the Commission's order herein, of interests in other businesses primarily engaged in mineral production, or of securities of companies primarily engaged in any such business, in an amount not in excess of $5,000,000; and

Applicant having stated that the proposed transactions are in the ordinary course of its business and are essential for it properly to carry on its busines in competition with others engaged in the same business; and

Said application having been filed on April 20, 1948 and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting said application become effective forthwith upon issuance; and

The Commission finding with respect to said application, as amended, that the issue and sale of securities as proposed meets the requirements of section 6 (b) of the act for exemption from the provisions of sections 6 (a) and 7 and finding no basis for imposing terms and conditions with respect thereto and that the acquisition of interests in other businesses, as proposed, is appropriate in the ordinary course of business of the applicant and deeming it appropriate in the public interest and the interest of investors and consumers to grant said application and the requests of Southern:

It is ordered, pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and hereby is, granted and permitted to become effective forthwith.

It is further ordered that the provisions of section 9 (a) of said act shall not be applicable to the acquisition by Southern Production Company, Inc., of interests in other businesses as proposed in said application, as amended, except as provided therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-4392; Filed, May 14, 1948; 8:53 a. m.]

[File No. 70-1801]

SOUTHERN UTAH POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of May 1948.

Southern Utah Power Company ("Southern Utah"), an electric utility company and a subsidiary of Nathan A. Smyth and Leo Loeb, Trustees of Washington Gas and Electric Company, which is a registered holding company and a Debtor in Reorganization under Chapter X of the Bankruptcy Act, said Trustees also being a registered holding company, having filed with this Commission a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("the Act") and Rules U-20, U-21, U-22, U-23 and U-24 promulgated thereunder regarding the following transactions:

Southern Utah proposes to issue, as of May 1, 1948, and to sell to The Mutual Life Insurance Company of New York ("Mutual"), at a price of 100 plus accrued interest to date of delivery, an additional $250,000 principal amount of Southern Utah's First Mortgage, Series A, 4% Bonds, due May 1, 1970, to be secured by its present mortgage dated May 1, 1945, and a supplemental indenture to be dated as of May 1, 1948, Mutual is the holder of all of Southern Utah's presently outstanding $806,000 principal amount of Series A bonds. The proceeds of the sale are to be used to retire bank loans of $65,000 outstanding at February 29, 1948, and to pay for a portion of net additions to property made during 1948 in connection with the company's construction program which involves an aggregate estimated expenditure of approximately $280,000 for the year.

Said declaration having been filed on the 30th day of March, 1948 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the Rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration, as amended, be permitted to become effective, and further deeming it appropriate to grant the request of the declarant that the order become effective upon the issuance thereof:

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of the Act and Rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-4393; Filed, May 14, 1948; 8:53 a. m.]

[File No. 70-1781]

GULF POWER CO.

ORDER AMENDING PRIOR ORDER

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 10th day of May 1948.

The Commission having issued an order dated August 1, 1947 (Holding Company Act Release No. 7615), pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("The Act"), concerning The Commonwealth & Southern Corporation and its subsidiary companies, which requires, among other things, that The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and The Southern Company ("Southern"), a registered holding company and a subsidiary of Commonwealth, shall cease to own, operate, control or have any interest, direct or indirect, in the gas properties and business of Gulf Power Company ("Gulf"), a direct subsidiary company of Southern; and

Gulf having filed on March 19, 1948, pursuant to Rule U-44 (c) of the Rules and Regulations promulgated under the act, a notice of intention to sell all of its gas utility properties and business in Pensacola, Florida and environs to the city of Pensacola for $1,750,000 cash (subject to closing adjustments) pursuant to the terms of an agreement dated as of February 12, 1948, said notice of intention and a copy of said agreement, together with the exhibits thereto, being contained in File No. 70-1782; and

The aforesaid gas properties being subject to the lien of Gulf's present mortgage indenture dated as of September 1, 1941 as supplemented by an indenture dated April 19, 1944, which requires that the proceeds of such sale be deposited with the trustee thereunder in order to secure the release of such property from the lien of the indenture, and said indenture further providing, in effect, that said proceeds may be withdrawn from time to time in an amount equal to the principal amount of bonds issued and outstanding under the indenture and concurrently deposited with the trustee for cancellation; and

Gulf having filed a declaration and amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company act of 1935, in the instant proceeding, concerning the issuance of approximately $1,750,000 principal amount of First Mortgage Bonds, pursuant to the terms of the aforementioned mortgage indenture as supplemented, on the basis of unfunded net property additions, and the deposit of such bonds with the trustee thereunder for cancellation for the purpose of taking down the cash which will be deposited with the Trustee by Gulf upon the said sale of Gulf's gas properties; and

The Commission having by its order dated April 20, 1948, (Holding Company Act Release No. 8152), permitted said declaration, as amended, to become effective, thus authorizing the issuance of said bonds; and

Gulf having requested that the Commission issue an order making applicable to such issuance of bonds the provisions of Supplement R and section 1808 (f) of the Internal Revenue Code; and the Commission deeming it appropriate to grant such request:

It is hereby ordered, That the Commission's said order of April 20, 1948 is hereby amended to include the following:

It is hereby recited and the Commission finds that the issuance of said additional bonds in the principal amount of approximately $1,750,000 is necessary and appropriate to the integration and simplification of the holding company system of which Gulf is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4394; Filed, May 14, 1948; 8:53 a. m.]

[File No. 70-1808]

NORTHERN STATES POWER CO. (MINN.)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of May 1948.

Northern States Power Company ("Applicant"), a Minnesota corporation, a registered holding company and an operating utility company and a subsidiary of Northern States Power Company, a Delaware corporation, also a registered holding company, having filed an application and an amendment thereto, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Applicant proposes to acquire from Mendota Light and Power Company ("seller"), a Minnesota corporation, pursuant to an agreement dated March 22, 1948, certain utility assets owned by the seller, consisting principally of a distribution and street lighting system in the village of Mendota, Minnesota, and distribution lines in the suburban and rural territory adjacent thereto, all in Dakota County, Minnesota; including also all franchises, permits, contracts, leases, easements and rights of way under which any or all of said property is held or operated, seller's electric service contracts (which applicant agrees to assume) and accounts receivable for electric energy sold, and prepaid insurance applicable to the property; but not including seller's cash on hand or in banks, or seller's diesel engine generating plant or equipment therein, or seller's real estate, buildings, tools or trucks. The purchase price to be paid by applicant is $121,800, subject to adjustments as of the closing date for unbilled electric energy supplied by seller, seller's accounts receivable, capital expenditures made subsequent to the date of the purchase contract, the value of all useful materials and supplies, and the prorated value of prepaid insurance. Applicant is to receive credit for customers' deposits assumed, prorated portion of 1948 taxes, and any property destroyed subsequent to March 22, 1948.

Applicant states that the purchase price of $121,800 is $11,955 in excess of original cost of the property less depreciation as determined by the applicant. It is proposed that this excess be charged to earned surplus upon consummation of the transaction.

Such application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that there is no State commission having jurisdiction over the proposed transaction, and that it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request that the application, as amended, be granted so as to permit immediate consummation of the proposed transaction:

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application, as amended, be, and the same hereby is, granted, and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL DUBOIS, *Secretary.*

[F. R. Doc. 48-4395; Filed, May 14, 1948; 8:53 a. m.]

[File No. 70-1781]

GULF POWER CO.

SUPPLEMENTAL ORDER GRANTING CERTAIN CONDITION

At a regular session of the Securities and Exchange Commission held at its office in Washington, D. C., on the 10th day of May 1948.

Gulf Power Company ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company and a wholly-owned subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, having filed a declaration and amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 (the "Act"), concerning, among other things, the issuance and sale of an aggregate of $1,000,000 principal amount of new First Mortgage Bonds, 3⅛% Series, due 1978, to be dated as of April 1, 1948, under and secured by Gulf's present Indenture dated September 1, 1941 as supplemented by Indentures dated April 1, 1944 and to be dated as of April 1, 1948; and

Gulf having proposed to include in the Supplemental Indenture, to be dated as of April 1, 1948, among other things, a covenant providing in substance that, so long as any of the presently outstanding and proposed new bonds shall be outstanding, it will not, subsequent to August 31, 1947, declare or pay any dividends (other than dividends payable solely in its common stock) upon any

shares of its common stock, except out of net income earned subsequent to August 31, 1947, and unless there shall remain in earned surplus account an amount equivalent to that by which the aggregate of the charges to income since August 31, 1947 for repairs, maintenance and provision for depreciation shall have been less than sixteen per centum (16%) of the gross operating revenues of the Company subsequent to August 31, 1947 after deducting from such gross revenues the amount spent for electric energy, gas or steam purchased by it for resale; and

The Commission having by its order dated April 20, 1948 (Holding Company Act Release No. 8152) permitted said declaration, as amended, to become effective; and

Gulf, in view of the aforementioned provision in the Supplemental Indenture limiting cash dividends and other distributions on the common stock of Gulf, having requested that the condition in the Commission's order dated September 22, 1941 (Holding Company Act Release No. 3018) which provides as follows:

That Gulf Power Company not declare or pay any dividends (other than dividends payable solely in its common stock) or make any other distribution, by purchase of shares or otherwise, upon any shares of its common stock, except out of net income earned subsequent to December 31, 1941, and available for distribution of dividends, and unless, upon such declaration, payment or other distribution, there shall remain in earned surplus account earned subsequent to December 31, 1941, an amount equivalent to dividends for a period of three years on the then outstanding preferred stock of the Company, plus an amount equivalent to the amount by which the aggregate of the charges to income since December 31, 1941 for repairs, maintenance and depreciation and for the amortization of plant adjustment accounts shall have been less than 16% of the gross operating revenues of the Company subsequent to December 31, 1941, after deducting from such gross operating revenues the amount spent subsequent to December 31, 1941 for electric energy, gas or steam purchased by it for resale.

shall cease to be effective upon the taking effect of such proposed provision; and the Commission deeming it appropriate to enter such an order:

It is hereby ordered, That the above-stated condition in the order of this Commission dated September 22, 1941 (Holding Company Act Release No. 3018), shall cease to be effective upon the taking effect of the aforementioned proposed provision in the Supplemental Indenture of Gulf which is to be dated as of April 1, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4396; Filed, May 14, 1948; 8:53 a. m.]

[File No. 70-1805]

COLUMBIA GAS & ELECTRIC CORP. AND UNITED FUEL GAS COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of May 1948.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its gas utility subsidiary, United Fuel Gas Company ("United Fuel"), having filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, and 10 thereof, and Rule U-44 thereunder, with respect to the following proposed transactions:

United Fuel proposes to issue and sell to Columbia $7,500,000 principal amount of its 3¼ percent promissory notes payable in equal annual instalments commencing 1950 and ending in 1974.

The proceeds from the sale of said promissory notes will be utilized by United Fuel to finance, in part, its construction program during 1948 and said notes will be issued and sold only to the extent, and at such times, as funds are required by United Fuel, and none of such notes will be issued and sold subsequent to December 31, 1948.

The proposed issuance and sale has been approved by the Public Service Commission of West Virginia.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said appiication-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application-declaration be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-4397; Filed, May 14, 1948; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11151]

HERMAN FRIEDRICH WIENBERG ET AL.

In re: Certificates of Deposit owned by Herman Friedrich Wienberg, also known as Hermann Friedrich Wienberg, and others and debt owing to Eibe Wienberg and others. F-28-15070-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below:

Name and Address

Herman Friedrich Wienberg, also known as Hermann Friedrich Wienberg, Germany.

Anna Johanne Klenck, also known as Anna Johann Klenck, Alsum, Province Wesermunde, Germany.

Johann Hinrich Wienberg, Blickhausen, District Dorum Province Wesermunde, Germany.

Eibe Wienberg, Wremen, Province Wesermundo, Germany.

Betty Helene Heins, also known as Betty Helen Heins, Dorum, Province Wesermunde, Germany.

Frieda Wilhelmine Reinecke, also known as Frieda Wilhelmine Reinede, Verden/Aller, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three Certificates of Deposit issued by the Scottsbluff National Bank, dated April 17, 1942, each in the sum of $1,086.10, numbered and payable to the persons whose names are set forth opposite each such certificate number as follows:

Certificate No.	*Payable to—*
9187	Herman Friedrich Wienberg.
9188	Johann Hinrich Wienberg.
9189	Anna Johann Klenck.

said certificates presently in the custody of the County Judge, Scotts Bluff County, Gering, Nebraska, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herman Friedrich Wienberg, also known as Hermann Friedrich Wienberg, Anna Johanne Klenck, also known as Anna Johann Klenck, and Johann Hinrich Wienberg, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Gering National Bank, Gering, Nebraska, in the amount of $209.70, together with any and all accruals thereto, representing a portion of the funds on deposit in the said Gering National Bank in the trust funds account of the County Judge, Scotts Bluff County, Nebraska, for the Fritz Riege Estate, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herman Friedrich Wienberg, also known as Hermann Friedrich Wienberg, Anna Johanne Klenck, also known as Anna Johann Klenck, Johann Hinrich Wien-

berg, Eibe Wienberg, Betty Helene Heins also known as Betty Helen Heins, and Frieda Wilhelmine Reinecke, also known as Frieda Wilhelmine Reinede, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 26, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4422; Filed, May 14, 1948; 8:50 a. m.]

[Vesting Order 11196]

FRANK JOSEPH ROHLING

In re: Estate of Frank Joseph Rohling, deceased. File No. D-28-12246; E. T. sec. 16469.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Rohling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs at law, names unknown, of Frank Joseph Rohling, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frank Joseph Rohling, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by E. P. Donnelly, as administrator, acting under the judicial supervision of the Probate Court of Jackson County, Missouri;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof, and the heirs at law, names unknown, of Frank Joseph Rohling, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4423; Filed, May 14, 1948; 8:50 a. m.]

[Vesting Order 11207]

LEO AND OSCAR WIESNER

In re: Interests in real property, property insurance policies, and claims owned by Leo Wiesner and Oscar Wiesner, also known as Oskar Wiesner.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leo Wiesner and Oscar Wiesner, also known as Oskar Wiesner, whose last known addresses are (13a) Bad-Kissingen, Hartmannstr. 3, Bavaria, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided two-sevenths (2/7ths) interest in real property, situated in the City of Rochester, County of Monroe, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, and interest of the persons named in subparagraph 1 hereof, in and to the following insurance policies: Fire Insurance Policy No. 5660, issued by the Continental Insurance Company, 80 Maiden Lane, New York, New York, in the amount of $19,000.00, which policy expires May 22, 1950, and insures the property described as Parcel No. 1 in Exhibit A hereof,

Liability Insurance Policy No. 22404, issued by the Massachusetts Bonding and Insurance Company, 10 Post Office Square, Boston, Massachusetts, in the amount of $15,000.00, which policy expires July 9, 1950, and insures the property described as Parcel No. 1 in Exhibit A hereof, and

Fire Insurance Policy No. 5103, issued by the Continental Insurance Company, 80 Maiden Lane, New York, New York, in the amount of $2,500.00, which policy expires June 16, 1949, and insures the property described as Parcel No. 2 in Exhibit A hereof, and

c. Those certain debts or other obligations owing to the persons named in subparagraph 1 hereof, by George E. Schantz, 173 Meigs Street, Rochester 7, New York, arising out of rents collected on the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All that tract or parcel of land, situated in the City of Rochester County of Monroe State of New York, known and distinguished on the Map and Field notes and survey made by Daniel Hudson and now in the office of the Clerk of the said County of Monroe of part of Lots Numbers Four-Five-Six and Seven in the third Subdivision of Township Number 13—late in the County of Ontario Lots 79 and 80—being 40 feet front on Andrews Street—running on the East line 54 feet until it strikes the line of lot 81—

thence 34 feet on the West line of Lot 81—thence Northerly 74 feet to Andrews Street to the place of beginning—Being the same lands and premises firstly described in and conveyed by a deed of conveyance of date June 13th 1864—by Smith Carpenter and wife to the parties of the first part hereto. Said deed being recorded in the Clerks office of the said County in Liber 186 of Deeds at Page 259. Also all that other tract of land situate in said City and in the 6th ward thereof lying between Andrews and Franklin Streets—Commencing at a point in Lot No. 81 one hundred and sixteen feet back from the Northwest corner of Lot No. 81 on Franklin Street and being part and parcel of the same—thence running 21 feet southeasterly and on a parallel line with Franklin Street—thence 15 feet Northeasterly thence 30 feet Northwesterly—striking the Southeast corner of the lot in June 1864 owned by Philander Story—thence back Southwesterly to the point of commencement and at the South corner of the said Story lot facing on Andrews Street.

Parcel No. 2. All that tract or parcel of land, situate in the City of Rochester County of Monroe and State of New York, and known and designated on a Map of George N. Pratt's subdivision of Lots numbers ninety three (93), ninety four (94), ninety five and one hundred and thirty six (136) of the Franklin Tract as Lots numbers five and seven, which Map is recorded in Monroe County Clerks office in Book Fifty three of Deeds, at page two hundred and three.

[F. R. Doc. 48-4424; Filed, May 14, 1948; 8:50 a. m.]

[Vesting Order 11172]

GELLATLY, HANKEY & CO. M. B. H.

In re: Debt owing to Gellatly, Hankey & Co. m. b. h. F-28-25593-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gellatly, Hankey & Co. m. b. h., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gellatly, Hankey & Co. m. b. h., by Hartford Fire Insurance Company, Metropolitan Marine Department, 90 John Street, New York 7, New York, in the amount of $504.82, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4373; Filed, May 13, 1948; 8:56 a. m.]

[Vesting Order 11173]

LUDWIG HIRMER

In re: Debts owing to Ludwig Hirmer. F-28-22586-C-2, F-28-22586-C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Hirmer, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ludwig Hirmer, by Marks & Clerk, 220 Broadway, New York 7, New York, in the amount of $433.90, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ludwig Hirmer, by Langner, Parry, Card & Langner, 120 East 41st Street, New York 17, New York, in the amount of $82.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4374; Filed, May 13, 1948; 8:57 a. m.]

[Vesting Order 11176]

ANNI MARSCHALEK

In re: Debt owing to Anni Marschalek. F-28-28471-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anni Marschalek whose last known address is Krankenhaus-Therapie I, Wintermoor (24), Ueber Soltau, Hann, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anni Marschalek by Meta Doering, 111-52 114th Street, Jamaica 4, New York, in the amount of $600.00, as of December 31, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anni Marschalek, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country"

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4376; Filed, May 13, 1948; 8:57 a. m.]

[Vesting Order 11230]

ERNEST PÖHLER

In re: Patent and interest in an agreement with Ernest Pöhler.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Pöhler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Property identified in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernest Pöhler, the aforesaid national of a designated enemy country (Germany) and is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, Ernest Pöhler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 13, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

a. All right, title and interest (including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date of issue	Inventor	Title
1,538,588	5-19-25	Ernest Pöhler..	Charging of lead storage batteries.

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of agreement hereinafter described, together with the right to sue therefor) created in Ernest Pöhler of Hagen, Westphalia, Germany, by virtue of an agreement dated December 23, 1936, by and between Ernest Pöhler and The Electric Storage Battery Company of Philadelphia, Pennsylvania (including all modifications thereof and supplements thereto, if any), which agreement relates, among other things, to United States Letters Patent No. 1,538,588.

[F. R. Doc. 48-4449; Filed, May 14, 1948; 9:00 a. m.]

[Vesting Order 9151, Amdt.]

PAUL BRAUN

In re: Stock and participating receipt owned by and debt owing to Paul Braun. F-28-23397-D-1/3.

Vesting Order 9151, dated May 29, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-a therefrom and substituting therefor the following:

a. Fifteen (15) shares of no par value common capital stock of National Dairy Products Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 324453, registered in the name of Paul Braun, together with all declared and unpaid dividends thereon.

All other provisions of said Vesting Order 9151 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4377; Filed, May 13, 1948; 8:57 a. m.]